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STANDARD  
OF THE  
ENGLISH CONSTITUTION,  
WITH A  
RETROSPECTIVE VIEW  
OF  
HISTORICAL OCCURRENCES,  
Before and after the  
REVOLUTION,

*Inscribed (with Permission) to*  
HIS ROYAL HIGHNESS THE DUKE OF KENT.

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BY JAMES FERRIS,  
AUTHOR OF "STRICTURES ON THE UNION WITH IRELAND."

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"Whenever the lowest of the people have been enabled, for their sins, not to correct, but to overturn a government, they have almost always erected a greater tyranny in its stead."

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TO  
HIS ROYAL HIGHNESS  
*EDWARD, DUKE OF KENT.*

---

WITH the greatest deference and respect, I look up to your Royal Highness as my protector; for in you I find the patron and friend of learning, eminently conspicuous: a perfect model of greatness, ability, and accomplishments.

The highest sense of pleasure must result from a knowledge of a patron being a competent judge of literature and science. I am well convinced your Royal Highness possesses every requisite that should adorn a mind expanded by general information and critical research. There-

fore I can with safety approach an exalted personage of acknowledged talents, whose name gives lustre to every branch of literary labours.

The work now presented to your Royal Highness, and which you are graciously pleased to take under your royal protection, is a production designed to instruct the rising generation, and to arrest the attention of those who have not yet fixed on any criterion to rest their opinion on.

That it may produce the desired effect for which it was sincerely intended, is the anxious wish of

Your Royal Highness's

Most obliged,

And grateful humble servant,

**JAMES FERRIS.**

*Sheen Vale, Surrey,*  
1807.

## Preface.

---

ALL nations having been originally free, there cannot be a better way of judging how to secure our liberties, than examining the methods by which other nations lost them.

And as the form of government which we enjoy was introduced into most parts of Europe upon the declension of the Roman empire, by the irruption of the northern nations, it seems most agreeable to our purpose, to enquire by what means those people sunk into slavery, who formerly lived under the same happy constitution with ourselves.

In pursuing this design, the following subjects, under different determinate heads, will be concisely treated of, viz.—*The nature of a despotic government*; shew-

ing, that to live by one man's will is the cause of all men's misery—*The laws under different governments*, as promulged and consented to by the people, or concealed in the sovereign's breast ; as humane and gentle, or severe and cruel ; as equal and universal, or partial and unjust : on the laws respecting treason, as clear and distinct, or confused and ill defined—*The judicial power and proceedings, under free and despotic governments* : on the judicial power, as separated from, or conjoined with, the legislative and executive : on bail, as allowed, and its benefit secured, or as inadmissible ; on the gaol delivery : on the judges, as independent or dependent : on the trial by jury : on witnesses : on pardons : on the coroner's office : on the punishment of crimes, as fixed, or at the mercy of the judge—*Taxes* : on the authority by which they are collected : on the quantum : on the articles taxed : on the mode collecting : the account of the expenditure.

*The House of Commons*, as a barrier against the encroachments of the crown; as voting the army; as having power to impeach; as voting the supplies—*Toleration*, as necessary to the happiness of all men; as inconsistent with the principles of despotism; as inseparable from a free government—*Trade*, as connected with freedom—*Agriculture*, as depending on the arts, manufactures, and commerce—*Population*, as constituting the strength and prosperity of every nation—*The different ranks and degrees of subjects*: the princes of the blood: the ministers: the nobles: the people—*The Army*: on the number and pay of soldiers, under different governments: on their service: on the value of liberty to them—*Protection and alliance*: under a despot, the favorite governs, oppresses, plunders—A transient view of English history: under a despot, slaves are exalted, foreigners are preferred to natives, and allegiance is most precarious—*Confidence and jealousy*: on spies: on the freedom of the



press: on dissensions, as checked or cherished—on the privilege of bearing arms—*The Navy*; shewing it to be the most diffusive in its parts, and consequential in its effects, of any calling that mortality is capable of: the impolicy of the impress service. *The stability and instability of empire.* The whole comprising a transient view of English history—with historical occurrences of various nations; and contrasting the blessings enjoyed under a British monarch, with the miseries experienced under modern despots.

## INTRODUCTION.

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OF all the passions which possess the human heart, none is more infatuating, none more despotic in its empire, than the lust of power; and none has brought greater or more numerous evils on the human race. If a man be immoderate in his love of pleasure, he may lose his time, waste his substance, and destroy his health: if he be too eager in pursuit of wealth, he may use some dishonourable means of acquiring it; and if he be a miser, he may be unwilling to enjoy it when acquired: if he be fond of the bubble honor, he may seek it even in the cannon's mouth. But what are all these evils, when compared with those which have been brought upon mankind, by the restless ambition of unhappy mortals, hurried away by their inordinate love of power? Blinded by

this passion, they have grasped the pillars of state, brought down destruction on themselves, and buried nations in the ruins. Such wretches, though admired by fools, must be held in execration by all good men; while, on the other hand, they, whose highest ambition is to subdue their passions, to govern all their actions, words, and thoughts, by the rules of reason and religion, who wish only for the power of doing good to all mankind; these are worthy of our highest reverence and esteem; these are the truly happy.—In whatsoever stations of life they are placed, or in whatsoever spheres they move, they must be happy themselves; and, like the sun, diffuse happiness all around them. Without this divine temper, no man can be happy. Though he could seat himself on the throne of the universe; though he could bring in a revenue of glory from the most distant stars; though he should not keep from his eyes whatever they desire, neither withhold his heart from any joy; yet must he confess himself dissatisfied in his posses-

sions, and disappointed in his expectations. Destitute of that heaven-born temper, a universal benevolence, embracing the whole human race, he must be wretched ; and, having not a hope beyond the grave, a hope full of immortality, every thought of dissolution must help to make him miserable. When men of an ambitious mind have been taken from private life, and seated on a throne ; or, being seated on the throne of a limited monarchy, have been able to shake off all restraint, and wield a despotic sceptre, the sudden blaze of glory has dazzled their imaginations, and made them happy for a day ; but having passed one night under the royal canopy, they have risen with other thoughts ; for they found their pillow strewed with thorns.

Cicero gives us the most striking anecdote of Dionysius, tyrant of Syracuse, which beautifully confirms this observation. From a private person, he became chief magistrate at Syracuse, and by degrees assumed despotic power. Con-

scious that he incurred the hatred and abhorrence of his much-injured countrymen, he could not but look on them as his enemies; and therefore fortified himself against them in a strong citadel, where he lived as in a prison. This citadel he garrisoned with foreigners. As he could not esteem any man his friend, who either valued liberty, or deserved it, he was surrounded only by trembling slaves and sordid flatterers. Neither the citadel nor his guard of foreigners could preserve him from the most tormenting and unremitting fears. One of his courtiers, named Damocles, was perpetually extolling with rapture his treasures, grandeur, the number of his troops, the extent of his dominions, the magnificence of his palaces, and the universal abundance of all good things and enjoyments in his possession; always repeating, that never man was happier than Dionysius. "Because you are of that opinion," said the tyrant to him one day, "will you taste and make proof of my felicity in person?" The offer was ac-

cepted with joy. Damocles was placed upon a golden bed, covered with carpets of inestimable value. The side-boards were loaded with vessels of gold and silver. The most beautiful slaves, in the most splendid habits, stood around, watching the least signal to serve him. The most exquisite essences and perfumes had not been spared. The table was spread with proportionate magnificence. Damocles was all joy, and looked upon himself as the happiest man in the world; when, unfortunately casting up his eyes, this happy man beheld over his head a glittering sword, which hung from the roof, suspended by a single horse-hair. He was immediately seized with a cold shivering; every thing disappeared in an instant; he could see nothing but the sword, nor think of any thing but his danger. In the height of his fear, he desired permission to retire, and declared he would be happy no longer.\* The feel-

\* Cicero Tusc. Quest. l. 5, n. 61, 62.

ings of Dionysius were not in kind peculiar to himself; they are in a degree the feelings of all usurpers; of all who, thirsting after despotic power, have robbed the people of their most sacred rights. Though the wise and well-established monarch has nothing to apprehend, the despot who has but just established his absolute dominion *must* have every thing to fear. His tenure is most precarious. This day every knee may bow before him; to-morrow he may be a fugitive, or prisoner, and the next day may expire on the block. Should this event, however, never happen, yet the possibility of it must fill his soul with terror, and embitter those very moments when trembling slaves bow down before him, or sordid flatterers with their adulations seek to charm his ear. While their country's wound yet bleeds, tyrants must tremble at the name of Brutus. While the keen sense of the recent loss they have sustained is yet fresh in the people's memory, despots must be often revolving in their minds the fate of former ones.

What is it for which kings have bid so high, for which they have ventured all; their crown, their blood? What is it for which they have subjected themselves to the execrations of their subjects? What is it for which they have shed their country's blood? Only that they might indulge their most unreasonable imaginations without controul, and have it in their power to say, *Sic volo, sic jubeo, stet pro ratione voluntas*—i. e. "Let my strength be the law of justice;"\* only that their subjects might become their slaves. Unaccountable ambition! that a prince should rather be feared than loved: dreaded than revered; the object of abhorrence than the object of delight! That a sovereign should wish rather to reign over the bodies, than in the minds of his subjects; over base and abject slaves, rather than over generous freemen. This pleasure, such as it is, must soon lose its sweetness. It has universally been experienced and acknowledged, that our happiness depends not on possession,

b 4

\* Wisd. ii. 11.



but on our prospects and pursuits. "Man never is; but always to be blest." When the sovereign has established a despotic power, disappointed, he must endeavour to extend his empire; and, if he cannot exalt his throne, he must depress his subjects till he has reduced them to the most abject state of vassallage. But will his happiness be increased thereby? Can any prince imagine that the late emperor of Russia was happy in proportion to the vast extent of his boundless empire, and the boundless authority he exercised in that empire? Could a sovereign, in pursuit of happiness, extend continually the bounds of his dominion, till he remained in peace the absolute and sole monarch of the world, from that moment he would be miserable,\* unless his happiness should be di-

\* The ascent to greatness, however steep and dangerous, may entertain an active spirit with the consciousness and exercise of its own powers; but the possession of a throne could never yet afford a lasting satisfaction to an ambitious mind. This melancholy truth was felt and acknowledged by Severus. Gibbon's *Fall of Rom. Emp.* ch. vi.

verted into some other channel. All human happiness depends on our prospects and pursuits. Such then as are intrusted with the education of the heir apparent to the crown, should be very careful to give him prospects worthy of a great prince. If such men have any regard for their own honor, the happiness of their royal pupil, or love for their country, they should endeavour to instil into his mind sentiments of true dignity, and teach him to pursue his own glory, by promoting the happiness of his subjects. In this pursuit he must be happy, supremely and permanently happy ; as the longest life could not bring him to the end of his enjoyment. Such a prince would reign in the affections of his people ; would be the delight of his subjects, the admiration of all mankind : and the noble philosopher who had formed his infant mind would be had in everlasting remembrance. \*

\* The mind of Dion was formed by Plato ; that philosopher bestowed much pains also in humanizing the younger Dionysius, even at the hazard of his life ; and

The preceptor who shall teach his royal pupil that power and happiness are connected ; and, under the idea of being his own minister, shall lead him to establish an arbitrary power, will be an enemy to his prince, a traitor to his country, and the execration of all honest men. How much more glorious is the memory of that prince, whose study was to be the father of his people, and to establish their liberties on a firm foundation, than those whose only aim was to sap the foundation, and be the absolute lords and masters of dependant vassals ! Alfred will be revered, I had almost said adored, long as the world endures. While the memories of Edward H. Richard II. and all the Stuart family, must rot and stink in the nostrils of posterity. Have princes no conscience of right and wrong, of justice and in-

would have taught him to find his own happiness in making a free people happy, by his wise and equitable government. On the godlike Dion his pains were well bestowed ; on Dionysius his labour was in a great measure lost.

justice ? Or do they look upon themselves as free from every bond, not accountable for their conduct to the King of Kings, and Lord of Lords ? Do they never consider for a moment, that they must one day stand at the dread tribunal where there is no respect of persons, where they will be upon a level with the meanest of their subjects ? Whence is it then that they have been so ready to violate their oaths ? Whence is it that, while punishing robbery in others, they have been guilty of robbery themselves ? Whence is it that, condemning sacrilege, they have robbed the people of their most sacred rights ? Whence is it that, in their most unjust pursuits, they have shed the blood of their best subjects and most virtuous citizens ? In every part of the globe have we seen Rachels mourning for their children, and refusing to be comforted because they are not. Widows and orphans join together in calling for vengeance on the human race. Their cries shall reach the Judge of all the earth ; and though these ambitious mortals “ exalt

themselves as an eagle, and set their nests among the stars, thence shall they be brought down ;”\* for dust they are, and unto dust they must return ; they shall descend to the silent grave, “ where the wicked cease from troubling ; where the weary are at rest ; where the prisoners rest together, and hear not the voice of the oppressor.”† And when the time shall come that time shall be no more, with wonder and astonishment shall the haughty monarchs hear the archangel’s trumpet sound, and summon them to stand before the judgment-seat ! With indignation shall they see those who were wont to tremble at their frown now standing as their accusers ! But let us turn away our eyes from the concluding scene. How little are monarchs to be envied ? Surrounded by none but those whose interest it is to flatter and deceive them ! while, like the rest of men, they are too ready to deceive themselves. There is no doubt that many sovereigns,

\* Obadiah 4.    † Job iii. 17. 18.

who aspire after despotic power, may persuade themselves that they seek that degree of power only for their country's good. Alas ! then they do not consider that the next monarch may abuse that power to his country's ruin. It was not in the power of Cyrus to beget a Cyrus. The chances were more than ten to one that his son would be a wretch ; and such Cambyses was.

The government of Augustus, though despotic, was mild and gentle ; but it is sufficient to say, that his immediate successors were Tiberius, Caligula, Claudius, and Nero.

Queen Elizabeth was indeed a wise and excellent princess, and loved her people ; under her government, which was very arbitrary, trade flourished, riches increased, the nation was respected abroad, and the people happy at home. This happiness arose from her circumstances, her own good disposition, and the wisdom of her ministers. This prudence, and these good dispositions, she could not leave to her suc-

cessors. The want of these involved the nation in those civil wars which ended only with the expulsion of the whole Stuart race. So true is the observation of Mr. Locke, that "absolute power does not purify mens' blood, nor correct the baseness of human nature.\*

Let us then consider the nature and effects of a despotic government, and we shall see that it has been universally, and must be of necessity, productive of evil of every kind; and that "to live by one man's will is the cause of all men's misery."†

\* Locke on Government, p. 92. † Hooker, Eccl. Pol.

## CONTENTS.



	Page
On the nature of a despotic government . . .	1
On the judicial power and proceedings . . .	16
On taxes . . . . .	62
On the House of Commons . . . . .	103
On toleration . . . . .	117
On trade . . . . .	136
On agriculture . . . . .	145
On population . . . . .	149
On the different ranks and degrees of subjects .	176
On the army . . . . .	188
On the navy . . . . .	199
On protection and allegiance . . . . .	217
On confidence and jealousy . . . . .	270
On the stability of empire . . . . .	284





ON  
*DESPOTISM, &c.*



ON THE NATURE OF A DESPOTIC  
GOVERNMENT.

GOVERNMENTS have been distinguished into republican, aristocratical, and monarchical, or a mixture of all three. This is a good distinction. Montesquieu divides them into republican, monarchical, and despotic. A monarchical government, according to him, is “that in which a single person governs by fixed and established laws.” This great man very justly remarks, “the rivers hasten to mingle their waters with the sea; and monarchies lose themselves in despotic power.”\*

\* *Espr. des Loix.* livre viii. c. 17.

~~no distinction between monarchy and~~ *on, I shall make*  
no distinction between monarchy and  
despotism; but proceed at once to com-  
pare a despotism with our own free go-  
vernment, because that I am persuaded  
ours is, and that none but a mixed go-  
vernment like ours can be free. Under  
the Roman kings, the patricians and ple-  
beians were not free; under the decem-  
virs, the plebeians were miserably op-  
pressed; the tribunes of the people, in  
their turn, sacrificed the patricians; and  
when the consuls happened to balance that  
of the tribunes, every thing stood still,  
or fell into such anarchy and confusion,  
that the consuls were obliged to name a  
dictator for the time, with despotic power.  
These ever have been, and ever must be,  
the miserable effects of power, when not  
properly balanced, as in the constitution  
of our government. A despotic govern-  
ment is that in which a person without  
law directs every thing by his own will.  
The prophet Daniel gives a very good de-  
scription of it, in the person of Nebuchad-

nezar. " All people, nations, and languages trembled and feared before him : whom he would he slew, and whom he would he kept alive, whom he would he set up, and whom he would he put down."\* Dreadful description !

\* Dan. v. 19.

## ON LAWS.

**IT** is the glory of Englishmen to be bound by no laws but those to which they have given their own consent. Our laws are published, read, and known of all men; not hid in the breast of a despotic judge. The tribune Tercentillus was not factious, when he required that the Roman people should be governed by written laws, after having been at the mercy of their monarchs and patrician magistrates, for near three hundred years, without even the consolation of knowing, in particular cases, whether they had right or wrong done to them; when, as he complained, every cause was given in favor of the patricians. In arbitrary governments, life and property must be most precarious, as the despot knows no other law but his avarice, his revenge, his lust, or his ambition.

The laws of England, as long as they are made by the representatives of the people, must be *humane*. These representatives are chosen from the people for a certain term ; and when that time is elapsed, they return to private life again ; and in the mean time are subject themselves to almost every law they pass. We need not, therefore, say to them, " Brethren, if a man be overtaken in a fault, ye, which are legislators, restore such an one in the spirit of meekness, considering yourselves, lest ye also be tempted." \*

The infirmities of the best of men, the vices and ungovernable passions of others, the instability of all human affairs, and the numberless unforeseen events, which the compass of a day may bring forth, must teach them, that no rank or elevation in life, no uprightness of heart, no prudence or circumspection of conduct, can exempt them from being one time or other deeply interested in the laws they pass.

\* Gal. vi. 1.

Our compassion is built on what we have suffered, or what we are liable to suffer. *If we enjoy our sight and understanding, we cannot sympathize with those who are born blind, or idiots, because this never can be our case ; but we most sincerely pity the unhappy parents, because this may be our own misfortune.* It has ever been found, that the severest laws have been made against those offences which the legislators were not likely to be guilty of. A proud and haughty monarch, not adverting to the infirmities of human nature, and incapable of sympathy, will sport with the lives and liberties of his subjects. Confident of his own security, he must look down with indifference on those below him: like the philosophers, who, from the highest top of Pichincha, looking down on the clouds far beneath them, saw the lightnings flash, heard the thunders roll, and beheld the tempest raging, whilst they themselves enjoyed the most delightful serenity: with this difference, however, that these phi-

losophers knew they must soon descend, and become obnoxious to these storms themselves. \* The laws of the decemviri were full of cruelty, inflicting death for almost every offence, and punishing by fire as well as by the sword. In the time of the republic, these severe laws were virtually repealed by the Porcian law, that no citizen should be punished with death; but under the emperors the most rigid severity was again restored.

The natural effect of severe laws is, either that none will put them in execution, or, if put in execution, that men will become so hardened and desperate, that no laws, no punishments will have any effect in restraining or reforming them; the former was the case at Athens, with the laws of Draco; the latter is the melancholy case of the people of Japan; the despotic power of their emperor, and the horrid severity of their laws, seeming only to multiply the most dreadful robberies and murders.

\* Ulloa, vol. i. page 223.



*There was a time in England, when our good old Saxon constitution was overturned, and the nation groaned under the yoke of tyrants. Our despotic princes of the Norman line, enacting the most inhuman laws, proved how unfit it is, that one man, who is above all controul, should make laws for others. Witness those forest laws, which were not repealed till the reign of Richard I. which inflicted the most shocking punishments, such as castration, loss of eyes, cutting off the hands and feet of those who only transgressed in hunting, or even killing a hare ! These cruelties were exercised not only in the old forests, but in the new also, which William made by laying by vast tracts of country for that purpose. In Hampshire he destroyed thirty-six churches, depopulated as many parishes, and made no satisfaction to the proprietors for their lands.\* If from the inhumanity of laws, the humane cannot put them in execution,*

\* See Rapin. See Blackstone, vol. iv. page 423.

this despotic severity must destroy the power of the laws, and increase the number of offenders.

As long as the English constitution lasts, the laws will be equally and universally binding. We have not one law for the peer, and another for the peasant. They are equally protected in their property, their lives, their liberty, their possessions. If the first peer of the realm should shed the blood of the meanest subject, his punishment would be equally certain, severe, and ignominious, as if he himself had been one of the meanest of the people.

Happy island, whose laws have no respect of persons! Even James I. were he now upon the throne, could not grant his favorite a "pardon for all manner of treasons, murders, felonies, and outrages whatever already committed, or which should hereafter be committed by him."\*

\* See Coke, Hist. Navrat. c. 32. 1 W. & M. 2. c. 2.

The laws of England acknowledge no dispensing power, but declare expressly, that the suspending or dispensing with laws, by regal authority, without consent of parliament, is illegal. Nay, even the kings themselves are subject to the laws, being bound not only by an imaginary compact, but by a specific declaration; not only by tacit agreement, but by oath, that they "will govern the people of this kingdom of England, and the dominions thereunto belonging, according to the statutes in parliament agreed on, and the laws and customs of the same." Should a king of England violate his oath, the original contract would be broken, and allegiance would no longer be due to him. How different is the language of the imperial law, "*in omnibus imperatoris excipitur fortuna; cui ipsas leges Deus subiecit!*" How different the claims of James I.! He tells his parliament, that their privileges were derived from the grace and permission of himself and his ancestors; but that with regard to his prerogative,

“ as to dispute what God may do, is blasphemy, so it is sedition in subjects to dispute what a king may do in the height of his power.”\* We cannot be surprised to hear such sentiments from him ; this is the common language of despotism ; but who would ever have expected such language from English judges, those sacred guardians of our laws ? When Richard II. had assembled them at Nottingham, and asked them if he could not annul such acts as were prejudicial to him, they answered, “ The king is above the laws ;” that is, “ the government of England is, and ought to be, despotic.” †

The Norman kings were indeed despotic, and trampled on our laws.<sup>o</sup> The family of the Stuarts thought to do the same. They have found by woeful experience, that in England, “ *Rex debet, esse sub lege quia lex facit regem.*” ‡

The great barrier of liberty must be sought for in those laws of any country

\* Rapin.

† Ibid.

‡ Bracton.

which relate to treason. If the boundaries here are well defined, the subject will be secure. His property may be invaded, but his person will be guarded. In a despotic government, no man can be certain that he shall enjoy his life one minute; and under any government, if the most innocent words or actions are liable to be construed into treason, who can be safe?

When he least expects it, when he least deserves it, his life may be taken from him, his estates may be forfeited, and his blood corrupted.—The barber who shaved Dionysius lost his life only by affecting to be witty, and Marsyas for telling of his dream. In the reign of Edward IV. a grocer, a citizen of London, who lived at the sign of the *Crown*, for a harmless joke, was attainted of high treason, condemned, and executed: he had only said, “He would make his son heir of the *Crown*.” By the law of China, whoever shews any disrespect to the emperor, is guilty of treason; but this law does not define what is respect. The Roman

emperors had a law similar to this, which seems to have been much abused, as we may collect by the remedial provision made by the good emperors Severus and Antoninus, "that if any, flinging a stone, should *accidentally*, strike one of the statues of the emperor, he should not be liable to a prosecution for high treason." The emperors Honorius and Arcadius passed a law, "that whoever entertained any designs against the life (*qui de nece cogitaverit*) of the ministers and officers of the prince, should be guilty of high treason;" without defining what these designs must be. The judge of Monsieur de Cinq-Mars, endeavouring to prove that he was guilty of high treason for attempting to remove Cardinal Richelieu from the ministry, appealed to this law.\* In England, till the 25th year of Edward III. the number of constructive treasons was almost infinite, and proved as many traps, snares, and pitfalls for unwary travellers.

\* Montesq. B. 12. c. 3.

In proportion as the constitution recovered its purity, treasons were more clearly defined, and better understood; but under the various despotic princes who have sat upon the English throne, treasons have been multiplied and ill defined. In the reign of Richard II. "no man knew how he ought to behave himself, to do, speak, or say, for doubt of such pains of treason."\* Henry VIII. had the most wonderful and unreasonable inventions; the laws of that tyrant took cognizance of the very thoughts of the heart, and entered into the most secret recesses of the conscience to find out treasons. If any one denied his supremacy, or refused to abjure the pope, or if any one had the misfortune to believe that the king was lawfully married to Anne of Cleves, he was guilty of treason. Sporting with the lives of men, he seemed as if he would render treason itself ridiculous, by enacting, that if the poor Welchmen stole cat-

\* Stat. 1 Henry IV. c. 10.

tle on the mountains, they should be guilty of high treason. As long as any country retains its liberty, and is governed by no laws but those to which it has given its own consent, treasons will be the crimes of all others the best defined; when it has lost its liberty, it must then submit to be governed either without laws, or by those which are vague and uncertain. Honors, property, and life, must be entirely at the disposal of despotic sovereigns and despotic judges.



## JUDICIAL POWER AND PROCEEDINGS.

**I**N every free government, the judicial power must be separate from the legislative and executive; let it be joined with either, and despotism will be the inevitable consequence. Hence, according to the constitution of England, our kings must appoint the judges, but cannot themselves sit in judgment to determine any cause. James I. indeed, whose ambition was to be thought a second Solomon, chose himself to sit on the tribunal; and was not a little mortified, when his judges told him that he could not even deliver an opinion. From this provision we derive our greatest confidence and security. If our princes could sit as judges, our lives and fortunes must be entirely at their disposal, as from them could lay no appeal. The prince would be both judge and party, whenever any subject should hap-

pen to appear at his tribunal who had the misfortune not to be agreeable to his sovereign, or when confiscation of goods would be the consequence of the sentence. Every man in the kingdom, from the highest peer to the meanest subject, would be dependant on his caprice; or, what is worse, would be at the mercy of his creatures, his slaves, his flatterers and favorites, and might become the prey of every fawning sycophant, who, in an unguarded hour, should catch his sovereign's ear, and obtain a hasty sentence. Even *Mephibosheth, the son of Jonathan*, that good and humble son of David's bosom friend, may be robbed of the inheritance of his fathers; that truly loyal subject, may be adjudged a traitor, and his inheritance may be given to his son Ziba, as a reward for his perfidious slander, by his irritated, and too credulous sovereign. . What man is fit to be trusted with a despotic power? Where is the sovereign who is fit to sit in judgment, when he himself, is a party; either directly or indirectly?

If in a free country the sovereign himself must not be judge, much less must his ministers and privy-council. In despotic governments the prince himself may judge, or delegate his power.

If in the late monarchy of France this was not the case, it was only because the time was not then arrived, when it might have suited that monarch to become a perfect despot. In England we have had despotic princes and state inquisitors, the privy-council, the star-chamber, and high commission courts; but, through mercy, these abuses have been long since abolished. And while our happy constitution lasts, we may enjoy the most perfect tranquillity of mind, in the fullest confidence that our persons and properties are inviolably secured, by a wise and well established judicature. Happy island, how peculiar is thy lot!

In monarchies and despotic governments, the glory, the ease, the pleasure of the sovereign, his ministers and favourites, will

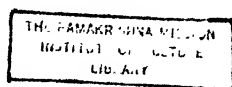
be the first objects of every institution. In a free country, the ease, the welfare, the security of the subject, will ever take the lead. For the security of individuals, our ancestors devised the office of conservators of the peace, who were chosen by the freeholders in the county courts, upon a writ directed to the sheriff. When Isabel, the queen of Edward III. excited by her vile passion for Mortimer, had deposed that weak and misguided prince, and placed her son upon the throne, she caused the deposed monarch to be murdered in the most inhuman manner, and then, in order to suppress commotions of the people, she prevailed with the parliament, which was at her devotion, to transfer the election of conservators of the peace from the people to the crown.\*

In the latter part of the reign of Edward III. these conservators having power given them to try felonies, they were called

\* See Rapin, and Jacob's Law Dictionary.

justices. That the people might have nothing to fear from them, it was ordained that they should be men of the best reputation in the country, and responsible for their conduct to the most respectable tribunal in the kingdom. But that the subject may have proper confidence in his security from all danger from false imprisonment, it is provided by our laws, first, that these ministers of the crown shall receive no information but on oath. The laws of England give countenance or encouragement to no mercenary spies, no dark assassins; "every arrow must be inscribed with the name of him who shoots it;" no anonymous letter can be received; no private suspicions are allowed. These are sufficient, in a country which has lost its liberty; where jealousy prevails, where the least delay might hazard a revolution; where the despot thinks it safer for himself that ten thousand innocent people should be confined in prison, than one escape who might trouble his repose.

According to our law, the charge must be specific, the time, the place, the injury or crime, and supported by that oath which leaves the false accuser indictable for perjury. It is provided, secondly, that these ministers of the crown *shall* accept of reasonable bail for every bailable offence (and that the court of King's Bench may bail for every crime): so tender is the law of England respecting the personal liberty of every subject, who can possibly deserve that high enjoyment. It is provided, thirdly, that if no sufficient bail is offered, or the offence be of such a nature, that bail cannot in reason be allowed, nor is allowed by law, the accused must indeed submit to be confined; but the commitment must be in writing, signed by the magistrate, expressing the cause of the commitment, that if the magistrate shall have been guilty of fraud, of falsehood, or of violence, he may be convicted and punished for his offence. But, in the fourth place,



in order more perfectly to secure the personal liberty of the subject, the laws of this free country have made a provision to which every other nation is a stranger—a provision the most abhorrent to despotism; a strong barrier against the violence and persecution of the crown; a provision worthy the great abilities of a Shaftesbury,\* and for which this country must be his debtor as long as it retains its freedom: I mean the Habeas Corpus Act. If any man has been illegally committed and detained in prison, though it be by command of the king, or privy-council, he and his friends have the remedy in their power. If committed for treason or felony, he may insist on being brought to trial the next term, or the next sessions of oyer and terminer, or else admitted to bail; unless the king's witnesses cannot be produced by that time. If he be not brought to trial the second term or session, he must be discharged.

\* According to king James II.'s MSS. in the Scots Collection at Paris.

If he be not committed for treason or felony, a writ of habeas corpus will bring him, within twenty days at farthest, into Westminster-Hall, there to be admitted to bail. Ample provision is made for the punishment of all parties, who by any means violate or evade this act. It is ordained by this act, that if any inhabitant of England be sent prisoner to Scotland, Ireland, or any where beyond the seas, the party committing, his advisers, and assistants, shall forfeit to the party aggrieved a sum not less than 500*l.* to be recovered with treble costs; shall be disabled to bear any office of trust and profit; shall incur the penalties of a premunire; and shall be incapable of the king's pardon.\* How valuable is this provision for the personal liberty of Englishmen! In every despotic government, the number of state-prisoners is innumerable. Blackstone says, he has been assured from good authority, that, during the mild adminis-

\* 31 Car. II. c. 2.



tration of Cardinal Fleury, above fifty-four thousand *lettres de cachet* were issued, upon the single ground of the bull *Unigenitus*.\* If the Temple, the Conciergerie, the Castle of Segovia, and all the state prisons in France and Spain, were accessible, like the prisons of a free country; if we could count the number of the miserable wretches there confined, or the days of their misery, we should then be better able to form an estimate of the value, the infinite value, of liberty, and its strong barrier, the *habeas corpus*.

The despotic princes who have sat upon the English throne, have always had their Bastile, and their Castles of Segovia, inaccessible to the *habeas corpus* of the common law.

William I. forged and rivetted on our hands and feet, those chains and fetters from which we were never perfectly delivered, till the 31st year of Charles II.—William, in the 4th year of his reign, “by

\* Blackstone vol. i. p. 135.

his sole authority, banished some the kingdom, and threw others into prison, without any legal proceedings, or giving any other reason than his good pleasure."\* His example was followed by all those of his successors, who inherited the same arbitrary disposition, and who, at any time, through the tameness of the English, were suffered to gratify that disposition.

From the time of the reformation, the nation began to recover its sensibility ; the galling fetters became, at last, intolerable : little, however, could be done to get them off, till the reign of Charles I. That unhappy, that infatuated prince, sent Sir Dudley Digges, and Sir John Elliot to the Tower, for leading the attack in the House of Commons against his favorite the Duke of Buckingham. King Charles sent the Earl of Arundel to the same prison, by his own authority, unsupported by law, without any plausible pretext, but, as it was supposed, only because his son had

\* Rapin.

married the sister of the Duke of **Lenox**, whom the king had designed for the Lord **Lorn**.\*

The House of Lords and Commons taking up this matter with a high hand, the king was obliged to set them at liberty, after the Earl of Arundel had been long confined. Not contented with this first essay, he sent Sir John Elliot again to prison. With Elliot, the king sent Sir Thomas Darnel, Sir John Corbet, Sir Walter Earl, and above seventy more. They had all refused to lend him money, without the authority of parliament. The king, however, sent them to prison, without assigning any cause for their commitment. They claimed the benefit of the *habeas corpus* provided by the common law, as no other then existed, and insisted upon being admitted to bail ; but as this could be denied them with impunity, they were remanded back to prison till the king should be pleased to specify

\* Rushworth.

the charge against them, and bring them to their trial, or discharge them. In short, it was solemnly determined by all the *upright* judges of the crown, that the personal liberty of every Englishman was, and ought to be, according to the law, wholly at the mercy and disposal of the king.\* The king not being able to go on without a parliament, before he ventured to call one, took care to dismiss all the prisoners, and had the mortification to see twenty-seven of them chosen representatives in parliament. Had the doctrine of the judges been universally received and submitted to, the Tower of London would in all after ages have been as formidable to the English, as the Bastile has been to our unhappy neighbours on the Continent. But fortunately for us, either the irresolution of Charles II. according to Hume, or the views of the Court, according to Rapiu, detached Lord Shaftesbury from the cabal. His illegal imprisonment for twelve

\* Rushworth, tom. i. p. 459—173.

months in the Tower, and his ineffectual application to the judges for the benefit of the habeas corpus,\* procured next year the effectual act, which constitutes the security and happiness of the present day.† By this act it is provided, that the gaol-keepers refusing to deliver to the prisoner, or his agent, within six hours after demand, a copy of the warrant of commitment, or shifting the custody of a prisoner from one to another, shall, for the first offence, forfeit one hundred pounds, and for the second, two hundred pounds, to the party aggrieved. And the Lord Chancellor or judges denying the habeas corpus, shall forfeit severally to the party aggrieved the sum of five hundred pounds. What an unspeakable happiness is it for a people to be thus protected and secured from the violence and oppression of their magistrates! Those magistrates who are first appointed guardians of the laws, and protectors of the people, being generally

\* Hume.

† King James II.'s MS. Scot. Col.

in the end the great violators of the law, and irresistible oppressors of the people. The habeas corpus is a barrier which the prince can never pass, without consent of parliament : the consent of parliament will never be obtained, but in the last extremity, while the representatives are independent.

We have seen how tender the law is, respecting the personal liberty of Englishmen ; the same tenderness proceeds throughout. The prisoner is not suffered to languish in a gaol, till he and the offence are both forgotten, as is the case in countries subject to a despotic power.\* Twice every year there is a commission of oyer and terminer, and gaol-delivery, empowering the judges to try and deliver every prisoner who shall be in the gaol, when they arrive at the circuit towns, for whatever crime committed. Every man who is acquainted with his bible, may see the conduct of despotic governments towards

\* Blackst. Com. vol. iii. p. 127, 128.

prisoners. Joseph, under the despotic government of Pharaoh, was accused of a crime, and cast into prison; there he remained two years without being brought to trial, and might have been confined two-and-twenty, if Pharaoh had found any one who could have given him satisfaction in the interpretation of his dream.

Under the oppressive government of Felix, Paul was left two years in a gaol, without being brought to trial, and might have been left ten times as long, had not Felix been superseded by a more honest man. 4716

There is no abuse of despotic power more common, and more to be dreaded, than this of leaving men in prison for an unlimited time, before they are brought to trial. The greatest, because the most universal fault of despotism, is want of feeling. Some, like Caligula, Nero, Caracalla, have been innately cruel. Such monsters, indeed, are not often produced; but every despot must be absorbed in selfishness; voluptuous, unfeeling. If not al-

together destitute of humanity, his love of ease, and want of feeling, will never suffer him to exert himself in behalf of the oppressed. Were he an eye witness of the misery of the prisoner confined, with the wretchedness of his wife and children during his absence, pity, and compassion would be excited, and an order given for relief. But despots must not be disturbed : despots, like the gods of Epicurus, must enjoy an everlasting repose. The subah of Bengal was a soldier, and as such, could not be destitute of the feelings of humanity ; yet, when our countrymen were confined in the black-hole at Calcutta, and Governor Holwell had offered one of the subah's guards two thousand rupees, only to get the prisoners separated, half in one place, and half in another, the guard, after withdrawing, soon returned, and told him, that " it could not be done but by the subah's order, and that no one dared to awake him."—It was anciently the custom in this country, to issue special writs of gaol-delivery for each particular pri-



soner; but these being found inconvenient and oppressive, a general commission for all the prisoners has long been established in their stead.\* For this establishment, we are indebted to the nature of our government, whose first object must ever be the liberty, the ease, the happiness of the subject.

In England, the whole transaction is in open court, where the conduct of the judge is liable to be examined with a jealous eye, and his character to be either honoured, or stained with ignominy.—In countries subject to a despot, the whole transaction is often carried on in secret. This is universally the case, where the court of inquisition is established. In such dark courts, the darkest proceedings must be expected, and the most horrid oppressions exercised on the unhappy victims of a minister's or inquisitor's displeasure.

The judges of England are upon a better

\* Blackstone.

establishment than in despotic governments; they are men of the greatest learning and abilities, who have spent their whole lives in the study of those laws by which they are to judge the people. Having been accustomed themselves to plead at the bar, the laws must be familiar to them: the subtle arts of pleaders cannot entangle them; the brilliancy of rhetoric cannot dazzle them; the low chicanery of attorneys cannot puzzle them; the artifices and false representations of the evidence cannot mislead them; the mental reservations of witnesses cannot elude their penetration. When the hounds are at fault, the old sportsman can generally guess which way the game is gone. Being advanced in life, they are dispassionate; not living among those on whom they are to sit in judgment, they are free from personal and local prejudices. How different is the representation given us of the judges in arbitrary governments! There, any man who knows nothing either of the theory or practice of the laws,

may purchase a seat on the tribunal, and dispose of the lives and property of all who appear before him. It matters not what his degree of knowledge or integrity may be, if he have only money enough to make the purchase. If he has no money, he may borrow, and with tolerable success may be able soon to pay the debt ; because, whatever causes he determines, he may charge the party, for whom in any civil suit he gives a verdict, with a sum in proportion to the value of that property which is in litigation. In the history of Dauphiny, there is a charter granting one-fifth of the property in litigation, as a recompence for hearing and determining the cause ; and thus certainly it was in England, till, by the struggles of our barons, John was obliged to grant the great charter of our liberties, and to promise, "*Nulli vendemus, nulli negabimus, aut differemus rectum vel justiciam.*" In England, the judges are rendered perfectly independent ; their salaries are such, as to place them above the reach of those temptations which

assault the indigent ; and their commission being "*quamdiu se bene gesserint*," they have nothing to fear by acting uprightly, and judging according to their consciences. The renunciation of the power of the crown over the judges during the present reign, incontestibly proves the patriotic disposition of our justly-beloved and highly venerated monarch.

In despotic governments where their commission runs "*durante bene placito*," the judges must be altogether dependent on the despot, or his minion, for the bread they eat, for their personal liberty, nay, for their lives.

As much as Englishmen are indebted to a Shaftesbury for the Habeas Corpus Act, much, very much, indeed, are they indebted to a North, during whose administration this change in respect to the judges took place in this country.

What security, then, what confidence, can the subject have, who stands at their tribunals. If the judge should dare to give a sentence contrary to the inclination of the minion, the least he could expect

would be dismissal, most likely banishment, and perhaps death. All then must be managed by intrigue, and the judge must be careful to obey the dictates, not of reason and justice, but of the despot and his favorites. •

In England the judge indeed presides ; but *it is the law which judges*. He regulates the whole proceedings ; examines witnesses, or superintends their examination ; defends the prisoner, while at his tribunal, from any unfair proceeding ; sums up the evidence ; and finally declares the sentence of the law.—In despotic governments, the prisoner is altogether at the mercy of the judge, as the judge himself is at the mercy of the minister.

We now come to the palladium of English liberty ; to that which distinguishes us from all other nations of the earth ; to that which, together with the habeas corpus, and the independency of the judges, secures to us, and must secure to us, as long as Englishmen retain their virtue, the quiet possession of our personal

liberty, our lives and fortunes. I need not inform an Englishman, that I mean our trial by juries. The judges are to declare the law, the jury is to determine upon the agreement between the law and the fact. It is the happiness of an Englishman, that he cannot now be convicted at the suit of the crown, of any capital offence, but by the presentment of twelve of the grand jury, and the unanimous verdict of twelve of his peers, all of the vicinage, and all on oath.—The grand jury being gentlemen of the best figure in the county, returned by the sheriff to the court, are bound to enquire, upon their oaths, whether there be sufficient cause to call upon the party to answer the indictment. When they have heard the evidence for the prosecution, if they think it a groundless accusation, they indorse it, “not a true bill;” if they think it not only probable, but are thoroughly persuaded that the accusation is true, they indorse it “a true bill,” and the person stands indicted.—What humanity! what tender care not to expose the innocent to answer for his life! Attention is paid not

only to life, but to the honor, and even the feelings of mankind.—The indictment must be precise. The person must be identified. The time, the place, must be marked out, that the accused, if innocent, may be prepared to prove his *alibi*. The charge itself must be specific; a general description will not suffice. In many cases, there are words which specify the action, such as “murdered, ravished,” and the like. Where there are no such specific words, the action must be specified by such expressions as these, “feloniously, burglariously, false, scandalous, and seditious;” for these only so specify the action, as to make it exactly correspond with the definition of the offence or crime, as given by the legislature. To the indictment for this specific offence or crime, the prisoner pleads; and of this specific offence or crime, he, by his peers, is found guilty or not guilty. There must be a perfect coincidence throughout. The genus must no where be substituted for the species.—The same will hold good of informations. The prisoner having pleaded

not guilty, he has put himself upon his country, and his peers must proceed to try him. For this purpose, the sheriff prepares a pannel of forty-eight jurors. If the prisoner can shew any tolerable ground for suspecting that the sheriff is partial, or acts under any undue influence, these forty-eight jurors are set aside, and the coroner must prepare a fresh pannel. If the prisoner can shew cause, he may object to each of these. If they are poor, and therefore not independent; perjured, and therefore not to be believed; partial, and therefore not to be trusted; infamous, and therefore not worthy of credit for their integrity; any of these reasons will be sufficient to exclude them.

Besides this, the law indulgently permits the prisoner to challenge twenty out of the forty-eight, without assigning any cause whatever for his objection. This is the provision the law of England has made for securing the life, liberty, and property, of the subject, against any unjust attack of individuals, but chiefly against the oppressions of the crown. As the subject



may fly to a jury for protection against the unjust accusation of the crown, so likewise may men of low degree, against the oppressions of the great. If the first peer of the realm would oppress the meanest peasant in his property, or if Ahab should covet Naboth's vineyard, the matter must be referred to the determination of a jury. Should the peer tamper with the sheriff, the peasant may challenge the whole pannel, and the coroner must make a new one. The jury itself cannot easily be corrupted, because the names of the whole number, being not less than forty-eight, nor more than seventy-two, are put in a box, and when a cause is called for, the twelve whose names are first drawn out of the box are sworn upon the jury, unless challenged by either party as infamous, inadequate, or partial jurors, in which case provision is made for a supply of the deficiency.

After the evidence is closed, and the proofs summed up, and brought to the remembrance of the jurors by the judge,

they may withdraw to consult together on their verdict: but they must neither eat nor drink till they are unanimous. In all criminal cases, this is a most excellent provision; because one honest man can save the life of injured innocence; for, surely an honest man would bear more to save the innocent, than a commonly dishonest man would to destroy him. They who are uncommonly dishonest, are usually known to be so, and therefore may be easily excluded from the jury.

In civil causes, the court of King's Bench may order a new trial, if there are strong probable grounds to suppose that the merits have not been fairly and fully discussed, and that the decision is not agreeable to truth and justice.

In criminal causes, the court may do the same, if satisfied that the prisoner has been found guilty contrary to the evidence before the jury. How beautiful is this institution! How expeditious the process! What security for the subject against the oppression of the crown, and

for the plebeian against the oppression of patricians.

*All nations of Europe once enjoyed this inestimable privilege, derived most likely from the Romans, but much improved by time and cultivation.*

This mode of trial was never agreeable to those princes who aimed at or exercised a despotic power. The civil law, its courts, its judges, its proceedings, are more suited to the genius of monarchy; and trial by jury in such a government is not to be endured. Hence our princes of the Norman line endeavoured to introduce other modes of trial, instead of that by jury. The same blood which purchased the great charter of liberty, procured the restoration and establishment of this high privilege.

When the power of the great barons was broke, in the reign of Henry VII. that prince extended the jurisdiction of the court of Star Chamber, the members of which were the sole judges of the law, the fact, the penalty. This was a court alto-

gether suitable to the dispositions of those princes who succeeded him. This court was therefore cherished, and made the great instrument of oppression, till it was abolished in the year 1641.

As the affection of the English for this mode of trial by jury has ever been so strong, that no efforts of their sovereigns have been able totally to banish it, different devices have been tried to render it vain and nugatory. Formerly, the court took upon itself to direct the jurors what verdict they were to find, and in case of refusal, punished them by fine and imprisonment, according to its own discretion: thus the trial by jury became useless; in reality it was abolished, though happily its form remained. At other times, the jury have been deceived, and thereby rendered useless. A distinction has been made between judging of the *law* and judging of the *fact*. They have been required to judge of the latter, and not of the former.

Judge Blackstone says, they have an

unquestionable right of determining upon both, but that they may forego this right where they doubt the matter of law, and choose to leave it to the determination of the court. If they have this unquestionable right, can they in conscience give it up? In so doing, would they not betray their trust? If they doubt the law, they may certainly seek information, but not leave the most important part of the indictment to the determination of the court; otherwise juries must be totally useless, and every man must be wholly at the mercy of the court.

If in the revolution of kingdoms, our present happy system should be overturned, and despotism be introduced into England, the trial by jury would undoubtedly be abolished, and in its place would be substituted such modes of trial as are found in other nations of the earth. The judgment-seat would then be occupied by single judges, or by many of equal authority, and this either for life, or removable at pleasure, stationed or ambulatory :

all the combinations of which have been found iniquitous, oppressive, execrable. First, for the single judge.—If he is removeable at pleasure, he is the mere tool of the despot, or his minister; if it were possible, that in a despotic government he should not be removeable at pleasure, the trust would be too great to be reposed in one man. Judge Blackstone well observes, “ In adjusting or settling a question of fact, when intrusted to any single magistrate, partiality and injustice have an ample field to range in; either by boldly asserting that to be proved which is not so; or, more artfully, by suppressing some circumstances, stretching and warping others, and distinguishing away the remainder.”

If there are more judges than one, all of equal authority, factions will be formed on the tribunal, and all will be partial to their own class in life. Blackstone here also well observes, “ If the administration of justice were intrusted to the magistracy, a select body of men, and those generally

selected by the prince, or such as enjoy the highest offices in the state, their decision, *in spite of their own natural integrity*, would frequently have an involuntary bias towards those of their own rank and dignity." This observation is confirmed by the history of every nation. The tribune Caius Gracchus had good cause to complain of the partiality of the senatorial judges, when he made it appear that Cornelius Cotta, and M. Aurelius, the chief of the senate, who had been convicted of several extortions by the most clear and indubitable proofs, had yet escaped the punishment of their crimes, through the corruption of their judges.\*—I might add here, that those judges must have a peculiar bias to conform their judgments to the wishes of the crown, in monarchies, and that the supposition of many judges on one tribunal is not consistent with the idea of despotism.

Such is the infirmity of human nature,

\* Vertot. R. R.

that every possible precaution should be used to prevent an improper bias or partiality, to remove temptation out of the way of those who are to judge of facts, to prevent all possibility of solicitation, and to keep every undue influence at the greatest distance. No more efficacious mode can be imagined, than that of an English jury, when out of seventy-two named in the pannel, twelve are to be chosen by lot, in open court, to proceed instantly to trial, and to give their verdict before they eat or drink ; with a challenge allowed, or even a special jury if required.

The court of session in Scotland is, perhaps, the most respectable court in Europe; of those, I mean, who conform themselves to the process of the civil law. Of the fifteen lords who composed it, I suppose there is not one who had any voluntary bias on his judgment ; and yet it was foretold in Edinburgh, which way every lord would give his opinion in the great Douglas cause. The prophecy was justified by the event.



In France, the tribunal is undoubtedly corrupt. The judges during the late monarchy, were wholly at the mercy of the crown, but were actually banished some years ago. That such is the case in that unhappy country, under its present usurper, cannot be combated. Independent of this influence, they are open to solicitation. In the face of day, the parties, their wives, their daughters, solicit the vote and interest of their judges. But supposing there were no such *visible* irregularity, yet from the very nature of the tribunal, where the judges are many and stationary, where the cause may be half an age in hand, they must be liable to every species of *secret* solicitation and corrupt influence.\*

It appears then, that every tribunal which can be tolerated under a despotic government must be iniquitous, oppressive, execrable; and that trial by jury is the palladium of English liberty. The

\* See Boulainvilliers on the Parliaments of France, letter x.

peers of the realm are now equally protected in their lives and fortunes, with the meanest of the people : but should, in future ages, the government of England become despotic, they will in the end be robbed of the latter, and hold the former by a most uncertain tenure. This is evident from the conduct of all the princes who have aimed at or experienced despotic power. Formerly, if a peer were indicted for treason or felony, or misprision of either, the Lord High Steward, created "*pro hac vice*," picked and culled eighteen or twenty of the whole body of the peers, to sit upon the trial. Charles II. thought by this means to sacrifice Lord Clarendon. After the revolution, the peers procured an act, investing them also with the privilege of Englishmen ; and now they cannot be condemned but by the free suffrage of their peers.

After the jury is sworn, the witnesses are called, sworn, and examined. Under this article also we shall see what security we enjoy as Englishmen, more than the

subjects of a despotic government. The witnesses are examined *viva voce*, in the presence of the prisoner and the whole world. They are sifted and tried, examined and cross-examined, by men of great experience, who, through long habit, are become skilful in drawing forth the truth from those that would conceal it. They are examined by men whose ambition is to excel in this most useful art, and who are sure to meet with the approbation of the court, when they have discovered their expertness in sifting an artful witness. They watch his eyes, his countenance, his voice. They let him run on, or stop him short : they try him with sudden and unexpected questions. The party accused is present during the whole of this examination. He being perfectly acquainted with the truth, and having made his counsel acquainted with it, and with the character of the witnesses who appear against him, has every possible advantage given him to vindicate his innocence.

The jury, likewise, can make use of

their eyes and ears. They see and hear every thing that passes. They pay attention to every witness. They may watch his eyes, his countenance, his voice, to discover the passions of his mind. Hesitation; faltering speech; an unwillingness to answer plain and honest questions; over-readiness to bring accusations foreign to the matter in issue; the tone of voice, affected tenderness, or obvious enmity and hatred; the age, education, understanding; all these circumstances help the jury in determining what degree of credit they ought to give to the testimony of each witness. This mode of examining and confronting witnesses in an open court, is not agreeable to the genius of despotic governments; every man who is removed out of the way must not be taken off by violence. This might produce a revolution. More quiet ways must be devised. No way is more quiet, none more effectual, than that which has been adopted in despotic governments. Their courts are not open; the witnesses are not examined

*circa voce* by the judge, they are not confronted with the party accused, and with his witnesses. A man finds himself condemned of a crime, without knowing who is his accuser, or who are the witnesses that have appeared against him: at least, he is at the mercy of the clerk, who takes the depositions in private, and may fall a sacrifice either to his ignorance or his malice, because the written depositions only are produced in court. This is the case in those nations where the shadow of liberty yet remains, but in governments purely despotic, the process is much shorter. By the command of Ahab, or of Jezebel, Nabot may be set on high; two sons of Belial may be suborned, to bear witness, saying, "Thou didst blaspheme God and the king:" and this innocent man may be instantly carried out and stoned to death, only because Ahab had coveted his vineyard. He may be accused and condemned of treason, that his estate may escheat to the crown. This has been no uncommon case in despotic governments. Nay, Englishmen have

been condemned of high treason on the testimony of one witness. The brave Admiral Sir Walter Raleigh was found guilty upon the written evidence of one single witness, without ever being confronted with that witness. His estate was immediately forfeited, and given to the king's creature, the Earl of Somerset; and fifteen years after this, he was beheaded for the supposed offence, though in the interval he had been employed in the service of his country, and acted under a commission from James, wherein the king styled him his faithful servant! But Somerset wanted his estate, James wanted the Infanta of Spain for his son Charles, and Spain wanted the head of Raleigh, as the enemy she had most to fear!

In France, the prisoner accused of any capital offence is not allowed to produce witnesses to vindicate his innocence; this would be indecorous: the despot is prosecutor, and no man must dare to contradict him. This was formerly the case in England, while under the government of

despotic princes ; but soon after the revolution, Englishmen were allowed not only to bring such witnesses as were willing, but such also as were unwilling, through private enmity, through influence of the crown, through fear, or through any corrupt motive, to bear testimony to the truth.

In England, it is a fixed maxim that no man is to accuse himself—a maxim founded in wisdom and benevolence ! Let this maxim be forgot, and the rack, that horrid engine of arbitrary power, will soon be introduced. The design of the rack is to extort the truth from the party accused, that no innocent man is to be put to death. Horrid benevolence ! amazing folly ! when to the innocent it must be infinitely more desirable to die an easy death, than to be tempted by the most excruciating torments, to confess a crime he never committed, to his own infamy, to the disgrace of his family, and to the corruption of his blood. Dreadful alternative for injured innocence ! What shall he do ? If he denies the crime,

his torments will be insupportable. The cruel tyrant who has given the command, is withdrawn, unable to bear the horrid scene !

The executioner, accustomed to hear the cries and groans of the sufferers, has long since been a stranger to compassion. Hardened, and altogether void of feeling, he prepares the rack, stretches his prisoner upon it, and begins to exercise his art. Conscious innocence supports the unhappy victim for a time : at length the strength of nature fails—no longer able to endure his present misery—Heaven pardon him !—he confesses himself guilty of a crime he never did commit ; and then, on his own confession, suffers the sentence of the law. Had he been permitted, he might, perhaps, have brought a thousand witnesses to vindicate his innocence : but no witness must be heard on his behalf.

Often a particular purpose is to be served by sacrificing the innocent. The *jealousy* of the despot, or his favorites, may require some to be put out of the



way, who cannot be removed by violence. Besides this, one dangerous and general principle accompanies all the despotisms which have been established in feudal kingdoms—All estates are supposed to be derived from, and holden mediately or immediately *of the crown*. Hence, in case of treason, or felony, the blood is supposed to be corrupted, and the land escheats to the crown. Hence, again, it has been the policy of wicked princes, to create new treasons and felonies, and to use the rack, for the discovery of them, that at all events, and by all means, they might multiply confiscations.

In England, no man can now be put to the rack, or be compelled by any torments, to criminate another. This practice was common among the Romans. The citizens were free ; but the poor slaves were often racked to make them accuse their masters. Cicero condemns this practice, and recommends rather, that a man's actions should be put upon the rack, to extort from him his real character. He ob-

serves very justly, that the truth of accusations thus extorted, cannot be depended on. In every age, slaves have been compelled, by hopes of reward, and fear of torture, to accuse their masters. Women and children, through the weakness of their natures, and the exquisiteness of their torments, when put upon the rack, have accused their parents—husbands—children !

This execrable instrument of cruelty and falsehood, was introduced by the Duke of Suffolk, as a proper engine to support and accompany the civil law, and arbitrary power in England, in the reign of that weak prince Henry VI. Here it continued to be used occasionally, till the judges unanimously declared its use to be contrary to the laws of England, in the reign of Charles I. The use of this engine has never yet been banished from the states of Holland : they keep it as a badge of their former servitude, and despotism is left as a pledge. Our rack is still preserved in the Tower of London.

—though the use of it has long since been proscribed.

To pardon, is the prerogative of royalty. As far as this power is useful to the state, the kings of England enjoy it. They possess full authority to indulge the benevolence of their hearts, in extending mercy to all those who have offended them, but not to such as may have been made their instruments in violating the common rights of Englishmen. If the subject has been sent out of the kingdom, and confined in prison beyond the seas, it is possible that this act of violence may have been committed by the authority of the crown, and in dependence on the royal pardon. For the security, therefore, of our liberties, it is wisely provided, that this offence shall be unpardonable. If subjects have been murdered, it is not absolutely impossible that the crown itself may have been polluted with their blood. Such things have happened. Even in this case, the king may pardon the murderer; but if the nearest of kin appeals, the cri-

minal must suffer the sentence of the law. In countries subject to despotic power, the prince, or ruler, may pardon every crime, because, as all his subjects are his slaves, they have no property in their persons, their possessions, or their lives : every offence, every crime must be looked upon as committed against the prince, or ruler, alone ; and as he only is the party offended, it is but reasonable that he should have authority to pardon every offence, and every crime.

In England, we have an officer of great importance, chosen by the people, who is obliged to make inquest for blood. If any person dies in prison, is slain, or dies suddenly, this officer must go immediately to the spot, and summon a jury, to enquire concerning the manner of his death. This officer has authority to commit the murderer to prison, there to be confined till he receives his trial. This is an excellent institution, and contributes to the security of subjects, against those assasi-

nations which are not uncommon under despotic governments.

In England, the punishment of every crime is ascertained, fixed, and generally known. The criminal is not in this respect at the mercy of his judges. They cannot add to the punishment, nor diminish it. Rich offenders, therefore, have nothing to hope from their riches : the poor have nothing to fear from their poverty. All know equally what they have to expect. As the punishment is fixed, so is it humane. No scenes of cruelty can be exhibited in this land of liberty—no tortures ; no cutting off hands and feet ; no breaking on the wheel ; no crucifying ; no exposing to wild beasts ; no mangling of the flesh with hot iron pincers ; no burying alive. These are some of the sportive cruelties of despotic governments ; others there are too horrid to be mentioned\*.

In England, they only who have been found guilty of the verdict of their peers, meet with the punishment of the laws.

\* Montesq. b. ix. c. 11.

In countries subject to a despot, the innocent share the fate of the guilty: the whole family, the husband, the wife, the children, are indiscriminately put to death. If there be any traces of this iniquity yet remaining in the English law, in the doctrine of the escheats, and corruption by blood, they must be considered as the relics of that despotism, which was grafted by William of Normandy on the feudal tenure, which tenure he artfully introduced.

“ These are the laws that so vigorously withstood the attacks of the  
 “ civil law; which established in the  
 “ twelfth century a new Roman empire  
 “ over most of the states on the continent:  
 “ states that have lost, and perhaps upon  
 “ that account, their political liberties;  
 “ while the free constitution of England,  
 “ perhaps on the same account, has rather  
 “ been improved, than debased\*.”

\* Blackst. Comm. Introd. sect. 2.

## ON TAXES.

WE have considered the Habeas Corpus Act as a strong barrier against the violence and persecution of the crown, and the trial by jury as the palladium of English liberty. The appeal for murder is no inconsiderable bulwark. The house of commons may be called the citadel, and the members of that house, if honest, will be the invincible guardians of all that is valuable to man. Various are the advantages we derive as freemen from the house of commons. We have already considered the happiness we enjoy above those nations subject to a despot, in being bound by no laws but those to which we have given our own consent.

The next benefit arising from the constitution of the English government is, that no taxes can be levied by the crown, but those which the people have laid upon

themselves by their representatives in parliament. As Englishmen and freemen, we both claim and enjoy personal and landed property ; and the only ways we can be divested of that property, are by free gift for the service of the community ; or by the judgment of our peers, for certain violations of those laws to which we have given our own consent.

In opposition to this high privilege, different governments have set up their claims. The only two I shall consider, are the feudal and despotic. The feudal sovereign claims the property of all the land subject to his dominion. The despot claims the persons of all his subjects, and therefore allows them no more property than absolute slaves are capable of acquiring ; he takes from them what he pleases, and expects them to be thankful for what is left.

The feudal system, as we have observed, was introduced into England by that rapacious tyrant William the Conqueror, and cost this nation many struggles, and



much blood, before it could be overturned. In consequence of this system, our sovereigns of the Norman line, and their successors, who wished to reign without a parliament, claimed aids and benevolences, whenever they wanted to fill their coffers, like Henry VII. or to supply their extravagance and profusion, like James I. According to the feudal system, these aids were altogether free-will offerings made by the feudal tenants on certain great occasions. Bracton says "*Auxilia fiunt de gratia et non de jure—cum debeant ex gratia tenentium et non ad voluntatem dominorum.*"\* They were given to redeem the sovereign from captivity, to make his eldest son a knight, or to marry his eldest daughter. In vain did Magna Charta oppose itself to the claims of our feudal sovereigns. In vain did it ordain that no aid should be taken by the king without consent of parliament. When our kings were afraid to meet their parlia-

\* Bracton, lib. ii. tit. i. c. 15

ments, they sheltered themselves behind this feudal system, and turned away their eyes from the great charter of their people's liberties.

From the feudal fiction, that all land belonged originally to the sovereign, and was granted to the subjects only during his pleasure, or for life, or to descend according to his appointment, the princes of the Norman line set up the following claims:—*First*, on the death of the possessor, the land was supposed to lapse; and therefore the sovereign, particularly William Rufus, obliged the next heir to redeem the inheritance at an uncertain price, if he would enjoy it: and besides this relief, the sovereign required, from all those who held *in capite* of the crown, that they should pay a full year's income, by the name of first fruits, on taking possession of the land. *Secondly*, if the heir were under age, the sovereign had the wardship, took possession of the estate, received all the profits during the minority, and then required a fine on the livery, ge-

nerally half a year's profits of the land; but in the reign of Henry VII. Empson and Dudley required arbitrary and excessive fines. Those harpies were not contented with exacting unlawful and exorbitant fines from the wards of the crown: they compelled as many as they pleased to sue out livery, who were by no means tenants to the crown, and then obliged them either to pay down the profits of the land, which had accrued during their minorities, or to compound for the same. *Thirdly*, when the heir came of age, if he held a knight's fee, originally fifteen pound per annum, he was obliged to be knighted, and follow the king's banner, or to pay a fine. James I. and Charles I. when they wanted money, issued out commissions for compelling all men, who could expend forty pound a year, to compound for not being knighted. *Fourthly*, before the heir came of age, the sovereign claimed the right of selling his ward in marriage, or else of receiving a full compensation for his goodness in fore-

going the exercise of this right ; or, in case his ward married without his consent, then the sovereign claimed double the value of such marriage, that is, double what any one would give the guardian for such alliance. The only restraint laid upon the sovereign was to marry his ward without disparagement ; but of this he was the only judge. The feudal lords set up the same claims, and exercised the same oppressions over their vassals. *Fifthly*, the sovereign claimed a fine from all his tenants on alienation. And, *Sixthly*, in cases of corruption of blood, or failure of issue, the sovereign claimed and took possession of the land, and then either gave it to his creatures, or disposed of it for money as he pleased. *Seventhly*, and lastly, the sovereign claimed military service from all who had consented or been compelled to adopt the fiction of feudal tenure. For this service a compensation was given, and pecuniary assessments were made, which in process of time became arbitrary and oppressive. Provision therefore was

made by Magna Charta, and afterwards by statute, that no such aid should be taken but by consent of parliament.

The whole of this miserable system was overturned soon after the restoration, having been endured by Englishmen for near six hundred years. That we may see in one point of view the full extent of our deliverance, I shall sum up the description in the words of Sir Thomas Smith, as quoted by Judge Blackstone. “The heir, on the death of his ancestor, if of full age, was plundered of the first emoluments arising from his inheritance, by way of *relief*, and *primer seisin*; and, if under age, of the whole of his estate during infancy. And then when he came to his own, after he was out of *wardship*, his woods decayed, houses fallen down, stock wasted and gone, lands let forth and ploughed to be barren, to make amends, he was yet to pay half a year’s profits, as a fine for suing out his *livery*; and also the price or value of his marriage, if he refused such wife as his lord and guardian

had bartered for, and imposed upon him ; or twice that value if he married another woman. Add to this, the untimely and expensive honour of *knighthood*, to make his poverty more completely splendid. And when by these deductions, his fortune was so shattered and ruined, that perhaps he was obliged to sell his patrimony, he had not even that poor privilege allowed him, without paying an exorbitant fine for a *license of alienation*." Oppressive as this system was in the event, the claims of the feudal sovereign are more tolerable than the claims of the despotic sovereign. The former claims the land to be held on certain conditions ; those conditions in their original purity, are suited to the genius of a warlike nation in its infant and uncultivated state ; the claims of the latter are boundless and intolerable, not suited to any state of society among creatures endowed with reason.

Every feudal claim is included in the one claim of despotic sovereigns. They claim the person, the property, the liberty,

the life, of every subject, to be held during the sovereign's pleasure. The pure despot may lay any taxes on his subjects, of any nature, to any amount, to be collected and disposed of as he pleases. He assumes the prerogative of the Almighty, for "there is none that can stay his hand, or say unto him, what doest thou?"\*.

It requires some length of time, and peculiar circumstances, so far to subdue men's minds, as to make them submit to a pure despotism. There have not been, wanting on the English throne, princes who have set up the most pure despotic claims, and openly avowed them; but they were never able to get those claims acknowledged and established. Some few, such as Dr. Cowel and Dr. Blackwood, in the reign, and by the encouragement of James I. have ventured to assert that the English are slaves by reason of the Norman conquest, and that the king may pass what laws, and raise what subsidies

\* Dan. iv. 35.

he pleases, without consent of parliament. These court sycophants were but the royal echo, and served only to make known the boundless ambition of that sovereign. In the reign of Charles I. two champions appeared to support his claim of despotic power. Dr. Sibthorpe and Dr. Manwaring. The former with great modesty advanced from his pulpit, "If princes command any thing which subjects may not perform, because it is against the law of God, or of nature, or impossible, yet subjects are bound to undergo the *punishment*, without either resisting, or railing, or reviling, and so to yield a *passive obedience*, where they cannot exhibit an active one. I know no other case but one of those three, wherein a subject may excuse himself with *passive obedience*, but in all other he is bound to *active obedience*." Archbishop Abbot was suspended, and confined to an unhealthy house at Ford, near Canterbury, for refusing to licence this sermon. Dr. Mainwaring made the most express and boundless claim in



*behalf of his master, asserting " that the royal will and command, in opposing loans and taxes without common consent in parliament, doth oblige the subjects' conscience, upon pain of eternal damnation."* For this he was rewarded with a bishopric. All this is pure despotism, and was never submitted to by Englishmen.

There is a despotism of a bastard kind, which, under the pretence of law, of custom, of prerogative, has at different times levied taxes without consent of parliament. I shall consider some of these taxes.

1. The sale of honorable titles. This practice is indeed dishonorable, but I do not know that it is dishonest. If, as in the reign of James I. one hundred persons could be found, who would each give 1000*l.* for the title of a baronet; if men were willing to give 10,000*l.* for the title of baron, 15,000*l.* for that of viscount, and 20,000*l.* for that of earl, it was wise in James, when in want of money, to make all his subjects earls, viscounts, baronets, who were willing to purchase these

titles at so high a price ; but then he should not have compelled any who were unwilling to be knighted, much less should have obliged them to pay for their refusal. Henry III. of France, sold no less than one thousand letters of nobility, in Normandy alone.

This is the merchandize of princes. As the first discoverers of America bartered for gold, and the first settlers in Pennsylvania purchased land with bubbles and gilded toys, so have princes by their gilded toys induced men to part with not only their honor and their conscience, but even their silver and their gold. This, however, has afforded only a momentary supply.

2. Ship-money. This was required at first from the sea-ports, and afterwards from the whole kingdom, under pretence of protecting trade, defending the coasts, maintaining the empire of the sea, and securing the honor of the British flag. In cases of sudden emergency, and urgent necessity, the sovereign, in the exercise of his

rightful prerogative, armed his subjects with the utmost speed, to repel the danger, and the merchants lent their ships with chearfulness.

Unhappy Charles, by endeavouring to derive from ship-money a permanent revenue, and such as would render him independent of his parliaments, brought the claim into discussion. Notwithstanding he had artfully intrenched himself behind the opinion of the twelve judges, the fallacy of that opinion was so obvious to all men, that he was obliged to give up his claim, and in the year 1641 passed a law to abolish this subsidy entirely.

3. Tonnage and poundage. This was a duty on merchandize, granted originally by parliament for the protection of trade, and limited to short periods, or to the continuance of a war. Edward IV. collected these duties two years without any grant from parliament; in the third year of his reign, this subsidy was granted to him. It should be remembered, that this was a time of great anarchy and

confusion. Henry VI. that weak prince, ruined by his ministers, was deposed after he had reigned thirty-eight years. A prince of a different family, then ascended the throne, claiming the crown by the choice of the people, and supporting that claim at the head of 40,000 men. Margaret, the ambitious and warlike queen of Henry VI. at the head of 60,000 men, engaging the new elected king at Towton, was defeated and forced to fly with the king her husband. This new elected king had been proclaimed on the fifth of March, in the year 1461; by the title of Edward IV. He had not, however, time to assemble a parliament until November the fourth, of the same year, at which time he got his title to the crown acknowledged. The kingdom was actually at war with France, Scotland, Bretagne, and the low countries, and Margaret was still in arms. The next year she led her troops into England; they were again defeated, but she escaped. Edward, therefore, had as yet no time to attend to forms;

but when he had taken Henry prisoner, and confined him in the tower, he then applied to parliament, and got a grant of tonnage and poundage. It is indeed not unlikely, that this subsidy had been granted in the last reign, for the continuance of that war which Edward IV. himself brought to a conclusion.

From the first expulsion of the house of Lancaster, till its restoration in the reign of Henry VII. being twenty-four years, was a time of great confusion; during this period, regular forms could be but little attended to. When Henry VII. came to the throne, he granted commissions for collecting certain duties and customs due by law; but he granted none for receiving the duty of tonnage and poundage, until the same was granted to him in parliament. This grant was made to him for life. In the beginning of every succeeding reign, the grant was renewed always for life. The sovereigns who succeeded Henry VII. never waited for the grant, but collected this subsidy in the intermediate space between

the death of the predecessor and the new grant; this was done, perhaps, through habit and inattention, most likely by design. In these reigns the prerogative of the crown was raised to a most formidable height. James I. collected this subsidy above a year before he received the grant, and by his own authority raised the duty to five per cent. Unhappy Charles was at first unwilling to receive it as a grant, and determined at all events not to part with it. He told his parliament that he had collected this subsidy by his own prerogative; that in granting their petition of right, he had never promised to give it up to them. "But for tonnage and poundage, it is a thing I cannot want, and was never intended by you to ask, nor meant by me, I am sure, to grant." He next year softened this language a little, saying, "We did not challenge it of right; but took it *de bene esse*, shewing thereby not the *right*, but the *necessity* by which we were to take it." He took it however in spite of his parliament, after he had thus

in a manner renounced the right. As the people did not understand the force of this argument *de bene esse*, he explained it to them twelve years after by informing his parliament that " he had taken it only *de facto*, according to the example of former kings, from the death of their past predecessors, until the parliament had passed an act for it themselves." Satisfied with this explanation, the beginning of the next year, parliament granted this subsidy to Charles.

4. Loans. These differed from aids and benevolences, already spoken of, as the latter were considered as gifts, whereas when loans were required, re-payment, was at the same time expressly promised or understood. This species of subsidy was introduced by Edward IV. in order to support his war with France.

Rapin relates an adventure, which shews at least the nature of this loan. The king, who was one of the handsomest men in Europe, having asked a rich widow how much she would *lend* him, she answered

that "she could not refuse 20l. to a prince who borrowed with so good a grace." The king much pleased with the lady's politeness, saluted her, in return for which honor, the widow doubled the sum she had first promised him. The benevolences of James were formal exactions; they were required as free gifts. Charles I. was no sooner come to the throne, than parliament granted him two subsidies; and then were proceeding to examine grievances. The king not pleased to have the conduct of his ministers and favorites examined into, dissolved the parliament, after it had sat three weeks. Being in want of more money, he directed letters under his privy seal, to all such as were judged able to lend, requiring them to advance specific sums, and promising to repay them in eighteen months. The next year, this misguided prince went to work upon a larger scale, and proceeded with greater violence. Not contented with borrowing certain sums of every peer, he determined on a general loan, to be assessed according



to the last subsidy, with a promise of repayment.

In collecting this loan, he had recourse to artifice, and to violence. I shall only speak of the latter. The commissioners were ordered, " That they treat apart with every one of those that are to lend ; and if any shall refuse to lend, and shall make delays or excuses, and persist in their obstinacy, that they examine such persons upon oath, whether they have been dealt withal to deny or refuse to lend, or make an excuse for not lending ? who hath dealt so with him, and what speeches or persuasions he or they have used to him tending to that purpose ? and that they should also charge every such person, in his majesty's name, upon his allegiance, not to disclose to any other what his answer was : that as much as they may, they hinder all discourse about it, and certify to the privy-council, in writing, the names, qualities, and dwelling places of all such refractory persons, with all speed : that they admit of no suit to be made, or reasons to be gi-

ven, for the abating any sum."\* All lords and gentlemen were ordered to repair to their country houses, that their absence might cause no delay to the subscriptions. Such gentlemen as shewed any reluctance, had soldiers quartered upon them; and such of the common people as refused to subscribe to this loan, were enrolled as soldiers, and compelled to serve in the army. Gentlemen in higher life, who opposed these illegal and unconstitutional proceedings, though in the most peaceable way, were summoned before the council, and if they persisted in their refusal to lend the money, they were sent to prison.

Among these were Mr. Hampden, Sir John Elliot, and Sir Thomas Wentworth, afterwards Earl of Strafford. They were even denied the benefit of habeas corpus, and by the unanimous decision of king Charles's *righteous* judges, were remanded back to prison. As this infatuated prince could not procure money enough to carry

\* Rushworth, T. i. p. 43.

on the war with France, he called a third parliament, sent warrants to all parts for releasing the gentlemen from prison who had refused to lend him money, met his parliament, promised to redress all these grievances, and “that noe man should be hereafter compelled to make or yielde any guife, loane, benevolence, tax, or such like charge, without common consent, by act of parliament.” \*

In consequence of this, his grateful parliament gave him five subsidies, which the king acknowledged was the greatest gift that had ever been given in parliament. † Charles soon quarrelled with this parliament also, and in the fourth year of his reign, had recourse again to his old expedients.

5. Monopolies. James I. granted many of these, and his son followed his example. Between them both, almost every article of trade was betrayed into the hands of monopolists; salt, soap, beer, coals, cards, starch, wine, *old rags*, &c.

\* Rushworth. c. iv. p. 335.    † Ibidem

No person could keep an inn, or alehouse, without a licence from certain persons, to whom James had granted a patent. The soap-makers paid Charles 10,000*l.* for their patent, and ten pounds a ton for all the soap they made. The starch-makers agreed to pay him 3500*l.* per annum ; and from the monopoly of wine, he received 30,000*l.* a year. Not contented with this, James took the monopoly of allum into his own hands, as Charles did that of pepper. The inconveniences arising from this practice, were found to be many. This was a heavy tax on the consumer, and very little in proportion to the king. Of this Clarendon himself complains ; he even calls these projects “unjust, *ridiculous*, scandalous, grievous, the envy and reproach of which came to the king, the profit to other men.” The 30,000*l.* Charles got by the wine monopoly, cost the public, 360,000*l.* the commodity itself was *bad*. The two creatures of Buckingham, who had the monopoly of gold-lace, were convicted of selling vast quantities, of coun-

terfeit lace. For want of emulation and competition, the same must have been the case in every article. The trade of the nation had an unjust and ruinous restraint laid upon it : for if any one attempted to sell a better commodity or cheaper, he was immediately thrown into prison, and fined severely. The manufactures suffered exceedingly, as was the case in monopoly of cloth, the commodity being unfit for foreign markets, an infinite number of poor people lay idle, and were reduced to a starving condition. \*

But what was worse than all, because it tended to perpetuate those evils, while it introduced many more, was, that many of these monopolies were given to members of the house of commons. †

Monopolies had crept in during the reign of queen Elizabeth : but that great queen, finding that the house of commons was uneasy, called in most of these grants, and left the remainder to be tried by law.

\* Colcl., p. 76.

† Whitlock's, p. 18.

The house of commons, struck with the generosity of the queen, in meeting their desires, and anticipating their requests, deputed one hundred and forty of their members to wait upon her with their thanks. To their address, the queen returned an answer, which, as flowing from her heart, made the deepest impression on her subjects. I shall subjoin a part.

“ Gentlemen,

“ I owe you hearty thanks and commendations, for your singular good will towards me, not only in your heart and thoughts, but which you have openly expressed and declared whereby you have recalled me from an error proceeding from my ignorance, not my will. These things had undeservedly turned to my disgrace, (to whom nothing is more dear than the safety and love of my people,) had not such harpies and horse-leeches as these been discovered to me by you. I had rather my heart or hand should perish, than that either my heart or hand should allow such

privileges to monopolists, as may be prejudicial to my people. The splendor of regal majesty hath not so blinded mine eyes, that licentious power should prevail with me more than justice. I know that the commonwealth is to be governed for the good and advantage of those that are committed to me, not of myself, to whom it is intrusted, that an account is one day to be given before another judgment seat. I think myself most happy, that by God's assistance, I have hitherto so prosperously governed the commonwealth in all respects; and that I have such subjects, as for their good I would willingly leave both my kingdom and my life," &c. &c. &c.

This was not in the honey-moon: she had at this time reigned over a happy people upwards of forty years. From this glorious contest between a gracious Queen and her grateful subjects, *which* should manifest the warmest love, we must now turn aside to contests of a different nature, and therefore proceed to the next tax.

6. Compositions.—First for toleration. This tax was invented by Charles I. and was collected under a commission, directed to the Archbishop of York, to compound with popish recusants, “for all forfeitures due since the tenth year, of king James, and for all such as shall become due hereafter.” \* Secondly, for depopulation. This tax was likewise collected by a commission from Charles, for converting arable land to pasture, since the tenth year of Elizabeth, and brought him in 30,000*l*. The credit of this is given to Archbishop Laud.† Thirdly, for charters of pardon. This was an invention of Empson and Dudley, in the reign of Henry VII. When any person was outlawed in personal actions, these harpies would not permit the outlawry to be reversed, unless he paid an enormous sum for the charter of pardon, standing upon the rigour of the law, which upon outlawry gives forfeiture of goods; they even insisted the king should

\* Rushworth, t. i. p. 141. † Rushworth, t. ii. p. 299.  
Clarendon, t. i. p. 76.



have half of such mens lands and rents during two whole years. According to the laws of England, the design of this process is only to compel an appearance. When therefore the party appears in court, any plausible cause, however slight, will in general be sufficient to reverse the outlawry.\* It suited the despotic sovereign to overlook the design of this process, and to use it as a means of plundering his subjects. He had a regular account kept, debtor and creditor, for pardons granted or to be granted with all sums of money received or due for the same, as appears from his own historian, Lord Bacon. In the margin of one account, wherein Empson acknowledges the receipt of five marks, for a pardon to be procured, the money to be repaid if the pardon did not pass, or satisfaction were not made to the party some other way. In the margin of this account there appears in the king's own hand-writing, "Otherways satisfied."

\* Blackstone.

The two ministers of this avaricious sovereign, procured accusations against the rich, caused them to be indicted for various crimes, and committed to prison, where, using every means to terrify them, they extorted vast sums of money by way of composition for the supposed offences. This path had already been marked out for them by Edward IV. who when in want of money, had caused the rich to be accused of high treason, in order to confiscate their estates, or exact large sums for their pardon. As they proceeded, they became more daring and outrageous ; they cited people before them, proceeding by their own authority in a summary way, and without any proof, passed sentence, and condemned them to pay exorbitant fines to the king's use.\*

7. Issuing base coin. This expedient was recommended to Charles I. but by the opposition of Sir Thomas Rowe at the council table, it was laid aside. Frederick III. king of Prussia, adopted it, and then re-

\* Bacon.

*fused to receive any of this debased coin in payment of the taxes.*

That despot took the idea from the worst of the Roman emperors, from Caracalla, whose coin had an alloy of more than half; and from Alexander Severus, who used two thirds alloy.

8. Issuing paper-money, under various denominations, without authority of Parliament. This is properly a loan.

All these expedients are violations of the English constitution; the first principle of which is, that the executive power shall be dependant upon the legislative for taxes, and that these must originate in the house of commons.

So much for the authority by which taxes are collected.

With regard to the quantum of taxes, despotic governments *seem* to have an advantage. Montesquieu says that "taxes may be heavier in proportion to the liberty of the subject, and that there is a necessity for reducing them in proportion to the increase of slavery." There appears to be

some truth in this observation. But then, taxes may be considered either with regard to the absolute or relative quantity; the amount of the taxes simply, or this amount compared with the ability of the people to be taxed. To the feeble and infirm, the grasshopper is a burden.

If the tax-gatherer takes but a little from him who has but little left, this little will be more felt than much taken from him who has more left. Again, where taxes are fixed and certain, and not dependant upon caprice, men know how to regulate their expences. It certainly matters little, whether a man have one thousand or two thousand pounds a year to spend, provided he be not subject to any sudden change. Surely no man can imagine, that one gentleman of a thousand pounds a year, may not be as happy as another who has two thousand. But if the gentleman who has been used to spend two thousand, be by enormous taxes reduced to live upon one thousand, it cannot be expected that he should be happy under any government.

Now it is undoubted, that under a free government his tenure of such a proportion of his property as will make him happy, must be more certain than under a despotism.

Abuses will creep into all governments ; none more common to all than prodigality ; but in free governments it is not so soon felt—when it is felt, they have the remedy in their own power. If a nation, nominally free, groans under an enormous load of taxes, and does not shake off that load, it is because that nation has lost its liberty. A free government may be carried on at a very small expence ; and indeed the more free the government, the less proportion will the taxes bear to the ability of the people to be taxed. There is one circumstance which Montesquieu takes no notice of. The despotic governments of the East have no such fleets to maintain as England is obliged to keep up for the protection of her trade, and the security of her colonies ; but then they have no such trade, no such colonies, to pour in wealth upon them. The

standing army of the sultans bears a very small proportion to their militia ; the latter exceed one hundred and fifty thousand, but receive no pay from the sultan ; they have lands assigned for their support. No wonder then that their nominal taxes should be few. This it is that makes the great difference. The subjects of the king of Prussia are severely taxed, and must be so, to support his standing army ; but what liberty do they enjoy ?

In all despotic governments, the expenses of the court can only be bounded by the will of the sovereign, or his ministers : in free governments, the civil list is voted by the people or their representatives. Therefore on the whole, we cannot hesitate to conclude, that with regard to the quantum of taxes, free governments have a great advantage over the despotic.

We have considered the authority by which taxes are levied, and the quantum in different governments. With regard to the proper articles of taxation, most undoubtedly the subjects who are to pay the

*same must be the proper judges which will be the most agreeable to themselves, and best for the community. A despot may be guided by caprice, or misguided by his favorites, to the great detriment of trade and ruin of the merchant. Infinite is the variety of tricks, which may be played in opening and shutting ports, laying on heavy duties, or taking them off, to the enriching of some, and the impoverishment of others, and this wholly at the pleasure of the sovereign, or his minister, and for the purpose of serving their creatures at the expence of the public.*

The next thing to be considered is the mode of collecting the taxes, as cheapest, as least oppressive, as most agreeable. The object of a free state is, to make the taxes productive of the greatest possible revenue, in proportion to what is taken from the subject. The object of despotism is the revenue itself. The interest of the former is to let the taxes pass through few hands; the latter multiplies dependants. A free state is yet more anxious about the mode

of collecting, than about the quantum of the tax. The despot cannot enter into the feelings of his subjects: he considers only how he may supply his wants, and always have money at command, without submitting to the painful detail of economy. He feels that his own interest and that of his subjects do not coincide, and therefore cannot trust them to administer his revenues, and collect the taxes on his account. No prince could feel this stronger than Charles I. when he levied ship money, and exacted loans. These taxes turned to small account. The subjects have a common interest, and will not therefore wantonly oppress each other, for the benefit of their common enemy. If a despot will make use of subjects to oppress subjects he must have a common interest with the oppressors; and must let them have a considerable share of the booty, if he will induce them to assist in plundering their fellow-citizens. The most obvious mode of doing this, is, to farm out the taxes. This was the practice of the Roman emperors,



whose publicans armed with the irresistible power of the sovereigns, in his name, but for their own emolument, harassed, oppressed, and plundered the miserable subjects of the Roman empire.

This practice has been adopted by sovereigns, who neither loved their subjects, nor were beloved by them ; but is inconsistent with the very idea of a free state, where the subject both lays on the tax, and pays it. The duties of tonnage and poundage, which Charles I. took and kept without a grant from parliament, were let out to farm by Sir Paul Pindar, Sir Abraham Daws, Sir John Worstenholms, and Sir John Jacob. We may judge of the conduct of these farmers-general during their administration, by the argument they made use of in the house of commons, for an act of oblivion. For this act they offered 150,000*l.* and obtained it\*.

Every one knows, that the only rich people in France, during the monarchy,

\* Rushworth, iv. 277.

were the state leeches. Baron Montesquieu, says, " that an infinite number of bad laws, were continually extorted from the kings of France by the importunate avarice of these farmers-general, who pretended to offer a present advantage for regulations pernicious to posterity. As the monied man is always the most powerful, the farmer of the taxes rendered himself arbitrary, even over the prince himself; he was not the legislator, but he obliged the legislator to give laws." The farming of the customs destroyed commerce, by its injustice and vexations, as well as by the excess of the imposts: but, independent of this, it destroyed it, even more by the difficulties that arose from it, and by the formalities it exacted." \* Montesquieu here speaks feelingly of a subject he perfectly understands; and we know that this must have been the case. But this was not all the misery. These bloodsuckers, though at first

\* B. xiii. c. 19. b. xx. c. 12.

ranked with harlots, held in execration and avoided by all honest men, in process of time, became honored for their near approach to the throne, resorted to, and courted for their riches and hospitality, and what was worse than all, esteemed for their private virtues. Every state subject to a despot, must be liable to receive this galling yoke. No nation, while it retains its freedom will submit to it. How valuable then is freedom to a trading nation !

The representatives of a free people, must not only vote the taxes, but must likewise know the produce of those taxes, and examine the expenditure of the public revenue.

It is an old saying, and a very good one, "short accounts make long friends."—If this be so between man and man, equally so must it be, between the legislative and the executive powers in a state. How is it possible for the representative to do justice to his constituents, if he wantonly lays heavy taxes on them ? Unless that the representative knows, that the produce

or former taxes has been expended with prudence, discretion, and economy, how can he proceed to lay new burthens? How shall he know these things without examining the accounts? If the representative neglects to call for the accounts, or grants new subsidies to those ministers of the crown who refuse to produce their accounts, he betrays his constituents, and offers violence to his conscience. If, however, the right remains, this accidental violation may be remedied by changing the representatives, and sending men of more honor and honesty, men of better principles, and independent fortunes, to parliament. As long as the right remains, and honest men can be found, so long this nation will be able to retain its liberties. If the public accounts are duly kept, and properly examined, it must appear either, that the whole revenue has been disposed of with wisdom, justice, and economy; or that part of it has been embezzled, squandered, or used to unlawful purposes.

In the latter case, ministers can be

brought to an account, and punished: in the former case, a free people will cheerfully contribute, even to the last farthing, for the support of government. Under a despot, no such account can be expected; he may squander the substance of his people, in the most vain and useless pursuits; he may spend their wealth on his mistresses, or favorites may spend it for him: he may even bind his subjects with chains of gold; that gold which he has collected from them, may be employed in paying troops to perpetuate their bondage.

The pyramids of Egypt, will remain an everlasting monument of the ostentation and prodigality of the despots who reared those stupendous edifices for their sepulchres. The largest of these, which stood near the city of Memphis, was eight hundred feet square, and as many high, built of large hewn stones, each thirty feet in length. One hundred thousand men were constantly employed for thirty years, in hewing out those stones,

and raising this amazing pile, in order to furnish for the despot, a little vault, six feet in length. In this purpose, however, they were disappointed, as their bodies were hid, to prevent their being exposed to the fury of an injured, and enraged people. Struck as we may be with the vanity, folly, and prodigality of the Egyptian tyrants, we ought to be much more sensibly affected with the ostentation, prodigality, and folly of modern despots.

Louis XIV. of France, wasted the treasure of his subjects in the most idle projects. Not to mention his canal of Languedoc, passing under and over rivers, climbing over or passing through mountains, only to flatter the vanity of that proud monarch: not to mention his water-works of Marly, or Versailles, nor yet the sums he squandered on his mistresses and flatterers: what could be more idle than his projects of foreign conquests, and universal empire! "Grand roi, cesse de vaincre ou je cesse d'ecrire," sang his

mercenary band. The advice was good; though the servile flatterer meant it not, for by his victories he had exhausted the treasures of his subjects, and brought the resources of the state to the lowest ebb.

The king of Prussia, cannot afford to spend money in any ostentatious works; his subjects are sufficiently impoverished, by maintaining a standing army of two hundred and fifty thousand men: men, whose best employ would be to build, more lofty pyramids than those of Egypt.

## ON THE HOUSE OF COMMONS.

IT is well observed by Dr. Robinson, “ that the supreme power in every society, is possessed by those who have arms in their hands.” The despot may raise and maintain what number of troops he pleases. He has nothing to restrain him, but his will, or the poverty of his subjects. Charles VII. of France, was the first prince in Europe, who introduced a standing army. This army, which at first, was only twenty-five thousand horse and foot, was afterwards upwards of two hundred thousand. In consequence of this, all the neighbouring sovereigns thought themselves obliged to adopt the same measure. “ Mercenary troops were introduced into all the considerable kingdoms on the Continent. They gradually became the only military force that was



employed or trusted. It has long been the chief object of policy, to encrease and to support them. *It has long been the great aim of despots to discredit, and to annihilate all means of national activity and defence.*" \*

The two consequences which have followed from hence, have been, first, that all these nations have lost their liberty ; the second, that the sovereigns of Europe, sometimes from jealousy, at other times from restless ambition, have been constantly augmenting their military force, and vicing with each other, which shall keep up the greatest standing armies. Not being willing to trust arms in the hands of their native subjects alone, they have introduced foreigners. The most bold, the most adventurous, the most worthless, are the subjects who leave their native spot, and being entertained by the different despots, compose the troops, on which they most depend for maintaining

\* Robinson, c. v. sect. 113.

their authority at home, whilst their chief conquest is placed on their own subjects for foreign conquest, or for repelling any invasion from abroad. By means of mixing and blending foreign officers and native soldiers, foreign soldiers and native officers, foreign corps and native corps, the sovereigns of Europe have nothing to fear, either from their own subjects, or these foreign mercenaries. This competition among the powers of Europe, must, in the end, reduce the subjects to two classes, soldiers and beggars, and inevitably prove the ruin of them all, England alone excepted. England, laying more commodiously for trade than any other nation, and having no need to waste any part of her strength in maintaining standing armies, has it naturally in her power to maintain her empire of the sea: and while all the nations of Europe are exhausting their already diminished resources, and weakening themselves, by continuing to augment their standing armies, she, by her commerce alone, must

naturally encrease in strength, unless some evil demon, should make her forget, the advantage she derives from her local situation. Nature has given us a deep intrenchment, surrounded us with the ocean, bestowed on us a fertile country, and a heart to defend it; furnished us with oak in plenty, for the construction of ships, and seamen of consummate skill to navigate, and invincible courage to fight them. Our situation then, the genius of the nation, and the constitution of our government, all conspire to banish every idea of a standing army: this is one of the greatest blessings we derive from our situation. "In a land of liberty," says Judge Blackstone, "it is extremely dangerous, to make a distinct order of the profession of arms. In absolute monarchies, this is necessary for the safety of the prince, and arises from the main principle of their constitution, which is that of governing by fear; but in free states, the profession of a soldier, taken singly, and merely as a profession, is justly an object of jealousy.

In these, no man should take up arms, but with a view to defend his country and its laws : he puts not off the citizen, when he enters the camp ; but it is, because he is a citizen, and would wish to continue so, that he makes himself for a while a soldier. The laws, therefore, and the constitution of these kingdoms, know no such state, as that of a perpetual standing soldier, bred up to no other profession than that of war : and it was not till the reign of Henry VII. that the kings of England had so much as a guard about their persons." \*

If the chief magistrate in a free state, by whatever name he happens to be called, should have it in his power to encrease his army, and model it according to his pleasure, with how much ease might he rob the nation of its liberties !

The English had reason to look with a jealous eye on the five thousand soldiers kept up by Charles II. and justly were

they alarmed at the thirty thousand men, kept up and paid by James II. out of his civil list. These troops acted like Englishmen, and men of honour, in the day of trial ; but if James had not been too precipitate, this force, with proper officers, had been sufficient to ensure success to his most ambitious schemes. After the revolution, it was made one of the articles in the Bill of Rights, “ that the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.” \*

When a military force is raised, one soul should pervade the whole ; one understanding, one will, one energy. One *understanding*, as the faithful cabinet in which the counsels are formed, and where the most inviolable secrecy is observed ; one will to direct, one energy to actuate the whole machine. It is necessary, therefore, that there should be a gene-

\* Stat. i. W. and M. Stat. ii. c. 2.

ralissimo in every state, and the sovereign himself must be this general. In a free state, this chief commander of the military force will be regarded with a jealous eye, and a barrier must be provided, to secure the public liberty from his encroachments. In England, the house of commons is this barrier. Here the army is voted from year to year, which at the end of the year, is *ipso facto* disbanded, unless continued by parliament. As it is only by military force, that any prince can seize or secure despotic power; and as the house of commons votes and pays the military force, as long as the house of commons is uncorrupted, even to the latest posterity, that house may say to the ambition of the sovereign, as God to the ocean; "hitherto shalt thou come, but no farther, and here shall thy proud waves be stayed."

The house of commons has a privilege, which throws great weight into the scale of the democracy, and when used with temper and fidelity, is infinitely valuable. The best of kings may unfortunately be

surrounded with evil counsellors. The most base, the most treacherous, the most abandoned of men, have sometimes deceived their sovereign, and gained his confidence. This is undoubtedly a case, which requires a remedy. For this evil despotism knows no remedy; our happy constitution has provided one. Again, it is possible that such princes as Phalaris, Nero, Caracalla, may fall to the lot of England, whose whole delight may be to plague, torment, and destroy their subjects. From despotism, no redress can be expected; the house of commons can apply a sufficient remedy. The person of the prince indeed is sacred; his authority is supreme; he has no superior, to whose tribunal he may be summoned, but his ministers, who execute his unlawful commands, and his counsellors, who give him evil and pernicious counsel, they are responsible. The house of commons can proceed against them, either by impeachment, or bill of attainder, and in spite of every opposition, bring them to condign

punishment. The crown itself cannot protect them, nor is it in the royal prerogative to pardon them. No human institution can be perfect; this, however, approaches nearer to perfection than any which has been adopted by other nations for this purpose. The offenders are not left to the mercy of an enraged mob, neither are they accused by factious tribunes before the people, for then the people would be both the judges and the accusers. The accusation is laid by the representatives of the people, before the most respectable tribunal in the world, the individuals of which, if corrupt, must be accidentally so. How different is this provision for redress, from that provided by the Czar, Peter I.—He forbade any of his subjects to offer him a petition, till after having presented two to his officers. In case of refusal of justice, they might present a third to the Czar himself, but upon pain of death, if they were in the wrong. After this, no one presumed



to offer a petition to the Czar.\* In a despotic government, it must be dangerous to present the first petition, almost impossible to present the last. Under such a government, the subject has nothing left but passive obedience and non-resistance.

As this privilege of the commons affords protection from violence and oppression, so it is also a sufficient barrier against the encroachments of the crown. No prince can make himself a despot, he must have ministers and evil counsellors. Though the prince himself be hid by his own splendor, or intrenched behind his royal prerogatives, the house of commons can effectually defeat his purposes, by attacking his evil counsellors, and bringing them to justice. In Sparta, the five ephori, chosen annually from the people, had authority to arrest and imprison the person of their kings. This institution preserved the liberty of Sparta for more

\* Montesquieu, xii. 25.

than six hundred years. The privilege of the commons of England gives greater security for the preservation of liberty than the Spartan institution could give to any nation, where gold and silver are admitted, and at the same time is less invidious to sovereigns.

As all supplies must originate in the house of commons, this house can throw insurmountable difficulties in the way of any prince, in his pursuit of despotic power.

The numerous barrows which surround Stonehenge evidently mark out that spot as holy. Here our druidical ancestors contended *pro aris et focis*, and much of the best British blood was shed to preserve that sacred pile from violation. The Britons, in defending that, defended what they valued most; the invaders, when wishing to bring them to an action, had only to approach their temple. The *treasury* is the sacred shrine of liberty; round this the most bloody battles have been fought, and the monuments of the slain are seen on

every side. Our ancestors, in defending this, eventually secured what they valued most, their liberty. Here unhappy Charles first attacked his parliaments ; here they had their fiercest conflicts. In order to establish a despotic power, it was necessary that he should be able to raise supplies without the aid of parliaments : hence his ship-money, his tonnage and poundage, his monopolies, and loans ; to stop him in his career, they met him on the ground, and drove him from it. In gaining this, they gained every thing. To procure money he was obliged, though most unwillingly, and with a bad grace, to grant the petition of right, and to say, after many struggles and evasions, “ *Soit droit fait comme il est désiré.*”

To procure money he was obliged to give up his evil counsellors, and redress all the grievances of his subjects. After this, all would have been well, if the parliament could have trusted him for his future conduct. This confidence was wanting ; and this unhappy monarch fell a sa-

crifice to his own mistaken notions of the English constitution, and the parliament's want of confidence in his sincerity.

Riches have been looked upon as the sinews of war. Whenever, therefore, our sovereigns have been at war, they have been obliged to redress the grievances of their subjects. Herodotus relates, that when Sennacherib had entered Egypt with a numerous and victorious army, he was opposed by Sethon, king of Egypt, with only a handful of undisciplined troops. In the night, a prodigious multitude of rats entered the camp of Sennacherib, and gnawing to pieces all the bow-strings, and all the thongs of the shields, rendered his army incapable of making any defence, in consequence of which, that monarch retreated with precipitation and disgrace. This fiction has been often realized in England. Our sovereigns, however, have had their option, either to redress the grievances of their subjects, or to retreat from their enterprizes with precipitation and disgrace. It is the prerogative of the

crown to make war. The prince may draw the sword, but the house of commons alone can give that sword an edge. Had it not been for this check, the kings of England would have been long since despotic. They were seldom fond of meeting their parliaments, excepting they wanted money ; as soon as that was granted, the parliament was dissolved. Sensible of this, it has been the policy of all honest parliaments, to make the redress of grievances and the supplies, go hand in hand. As I shall resume this subject, I shall only now observe, that it has been the opinion of all men, that Englishmen can never lose their liberties, but by the treachery of their representatives ; because the house of commons, while uncorrupt, has been, and ever must be, an impassable barrier between liberty and despotism.

## ON TOLERATION.

IF our reason were always clear, unruffled by passions, unclouded by prejudices, unimpaired by disease or intemperance ; if our ideas were clear and *distinct*, *complete* in all their parts, comprehensive in all their modes, attributes, properties, and relations, extensive in all their kinds ; if we could arrange all these ideas *orderly*, and examine them in a proper method ; if our judgments were strong, and we could always bring them to a focus ; if we were all skilful in the art of reasoning, and expert in the act of it ; there would be but one system of religion upon earth. The reverse of all this being the case, the systems are infinite in number. Could we examine minutely the minds of all thinking men, we should be able to distinguish and identify them by their systems, as we do by the features of their

faces. Where the principal features of religion are the same, we should yet find that no two were perfectly alike.

Facies non omnibus una,  
Nec diversa tamen qualem decet esse sororum.

This being the case, every man of principle may stand in need of toleration.

Despotism is naturally a stranger to toleration. The arguments which Hobbes makes use of, to prove that religion is absolutely inconsistent with the interest of civil sovereigns, hold good only in regard to civil despotism. Baron Montesquieu has well observed, that virtue is the principle of a democracy, honour of a monarchy, and *fear* of despotism. Most certainly it is the interest of a despot, that his subjects should fear him, more than they fear any other being. Now religion says to all its votaries, "fear not them that kill the body, but are not able to kill the soul; but rather fear him which is able to destroy

both soul and body in hell.”\* If this fear cannot be excluded, the despot must usurp the whole direction of it ; he must be the high priest. This was the first step of Julius Cæsar : when but a youth, he offered himself candidate for this high office. The jealousy of Scylla, excited by this token of his ambition, was for that time an obstacle which he could not surmount. Some years after the death of Scylla, there happened another vacancy ; Cæsar was then chosen high priest of Jupiter, the next year prætor, then consul, and last of all assumed despotic power. The sovereigns of modern Rome would never have been able to bind their kings with chains and their nobles with fetters of iron, if they had not been armed with a two-edged sword, and worn the triple crown of heaven, earth, and hell. Mahomet, by uniting in his own person, the three offices of prophet, priest, and king, did not indeed

\* Matt. x. 28.



exclude the fear of a divine Being, but then he had the sole direction of that fear.

At first sight, the conduct of the unhappy Stuarts, who undoubtedly aimed at despotic power, must appear to have been very absurd; they endeavoured to establish the Roman catholic religion in England, and to introduce a fear which afterwards they would not have been able to regulate. Their conduct, however, was not absurd. Henry VIII. though a catholic, having established despotic power at home, made use of the protestants to shake off the power of the pope. The princes of the Stuart family were willing to receive that yoke again, provided the catholics would help to subdue the free spirit of the protestants; and the Roman catholics were willing to assist the crown to establish arbitrary power, provided the crown would establish the Roman catholic religion. It can never be the interest of the present family to tread in the same steps; because, if the stumbling block of

religion were removed, the nation might look towards Sardinia.

When the ten tribes of Israel had thrown off their allegiance to the family of David, and chosen Jeroboam for their king, he said, "If this people go up to do sacrifice in the house of the Lord at *Jerusalem*, then shall the heart of this people turn again unto their lord, even unto Rehoboam king of Judah. Whereupon the king took counsel, and made two calves of gold, and said unto them, it is too much for you to go up unto Jerusalem; behold the gods, O Israel! which brought thee up out of the land of Egypt. And he set the one in Beth-el, and the other put he in Dan."\* Jeroboam thought it expedient to *change the national religion*, and to introduce *idolatry*, in order to *establish* his throne. Should hereafter any prince of the protestant line in England, unwarily, adopt the same conduct, he will only prove, that the children of this world have been,

\* 1 Kings, xii. 28.

in their generation, wiser than the children of light.

It is the interest of the despot to have but *one* religion in his dominions, because it his interest that there should be *none*.

“ In despotic states, the nature of the government requires the most passive obedience, and when once the prince’s will is made known, it ought infallibly to produce its effect.”\* Nothing can prevent this effect but religion. Neither the *amor patriæ*, nor the rules of honor, must be pleaded for not executing the demands of a despot. Religion alone, like an angel with his drawn sword, can withstand him. Charles IX. having sent orders to Viscount Dorte, to massacre the protestants at Bayonne, received for answer, “ Sire, among the inhabitants of this town, and your majesty’s troops, I could only find honest citizens, and brave soldiers, but not one executioner ; we jointly, therefore, beseech your majesty to command our arms and

\* Montesquieu, b. iii. c. 10.

lives, in things which are practicable.” “ This great and generous soul,” says Montesquieu, “ looked upon a base action as a thing impossible.” This answer to a despot must have been punished with instant death.

Private judgment of good and evil, just and unjust, is incompatible with a perfect despotism : it can admit of no private conscience ; it allows only one conscience, one law, one will, one fear.

It is not the interest of despotism to tolerate more than one religion ; because if there be more than one, men may be led to enquire which is the best ; and it is not the interest of the despot, that men should exercise their reason ; for if they begin to think, there is no knowing where their thoughts may end. Religion must address herself to their eyes, not to their understandings ; to their imagination, not to their reason ; and must call for the exercise of the body,\* not the exertions of the mind ;

\* 1 Tim. iv. 8

that the people being kept in profound ignorance, may be quiet and contented under the most blind and abject subjection to the despot. As it is not the interest of despotism to tolerate, toleration under that government must be precarious, and depend entirely on the caprice or humour of the despot, or the influence he is under. If it should come into his head to set up a golden image in the plains of Dura, all his subjects must fall down and worship it, or must be thrown into the midst of a fiery furnace.\* If, instead of a golden image, he should rather choose to elevate a consecrated wafer, the subject must either fall down and worship, or be committed to the flames.

If servile flatterers, and sordid courtiers should obliquely insinuate to their sovereign, that he is a god, and persuade him to issue his decree, forbidding men to offer any petition, for the space of thirty days, to God or man, save to the king only ; the

\* Dan. iii. 7.

subject must cease to worship the God of his fathers, according to his own conscience, or must be cast into the den of lions.\* If instead of offering himself as the object of worship, he should rather choose to substitute some favourite saint, or the virgin Mary, the consequence of disobedience might be yet more dreadful ; the holy inquisition might be substituted for the lion's den ; and the inquisitors, with the rack, their horrid engine of cruelty, might supply the place of lions.

“ The prisons of the inquisition are little dark cells, without any furniture but a hard quilt ; the prisoner is not permitted to see any one except his keeper, in this cell, who brings him his diet with a lamp that burns half an hour, and departs in silence. At the end of three days, he is carried to the inquisitor, and takes an oath, to return true answers to all questions which shall be put to him, and to confess all his heresies. If he have no heresies to

\* Dan. vi. 7.

confess, he is carried back to his doleful dungeon, for three days more, to recollect himself, and to call to mind his heresies, his teachers, and his accomplices. Being again brought before the inquisitors, they ask him where he was born and educated ; who were his parents, masters, confessor ; when he was last at confession, or the mass ? If in answering all these questions, he cannot be brought to accuse himself, he is sent back again to his dark and dismal prison, and time is given him to pray for repentance. At the end of three days, he is again carried to the inquisitors, who now examine him on the peculiar doctrines of popery, on transubstantiation, on the worshipping of the host, images, saints, and the virgin Mary ; on the infallibility of the pope, and his power to pardon sins, past, present, and to come, &c. &c. If he answers, that he believes all this, he is then taken to the rack, attended by a notary, who is to write down his confession. Here he remains in torment one hour by the glass, after which a surgeon puts his bones

in joint, and he is carried back to his cell. And this horrid process is repeated three times, at certain intervals, till the miserable wretch perhaps confesses heresies he was never guilty of, or acknowledge that he dare not worship idols. If after two days, the prisoner affirms that his confession was extorted from him by the torments he underwent, and therefore refuses to sign it, he is again put upon the rack. If he confesses that he did speak heretical words, but, to save his estate for his family, affirms that he spake unadvisedly, he is put upon the rack to prove the truth of this assertion. The prisoner never knows who are his accusers, or what particular words or actions are laid to his charge ; nor must his advocate know these things. Witnesses are compelled to give evidence, under pain of the greater excommunication ; and his own advocate is bound by oath to divulge his client's secrets. When the fatal morning is come, the dominicans begin the procession, followed by the penitents clothed in black, bare-footed, and with wax can-



dles in their hands ; some have benitoes, and others who have just escaped being burnt, have inverted flames painted on their garments : then come the negative and relapsed, with flames painted on their garments and on their breasts, carrying their own pictures, with dogs, serpents, and devils round them, all with open mouths. The familiars and inquisitors close the procession. After prayers and a sermon, the prisoners are delivered over to the secular arm, with earnest entreaties not to touch their blood, or put their life in danger ! They are instantly bound with chains, carried to the secular prison for about two hours, then brought out, chained to stakes about four yards high, seated within half a yard of the top, when the negative and relapsed are strangled, but the honest and professed are solemnly delivered up to the devil ; after which the holy fathers leave them : when, their faces being first scorched, the furze kindled round them, and in about half an hour in calm weather, or in about

two hours, in very windy weather, their excruciating torments end.\*

In the reign of Henry VIII. the form only of our constitution remained ; liberty had taken her flight, and the king was become a tyrant. His parliament exerted an act of its omnipotence, made him infallible, and then ordained, that whatever he should enjoin in matters of religion, should be believed and obeyed by all his subjects. In consequence of this, he gave them their daily creed. Whoever believed to-day what had been truth the day before, was committed to the flames : had he happily escaped undiscovered, only for one day, his creed had been orthodox again, and his life had been spared. Parliament had endued the king with one attribute of the Divinity, but could do no more for him ; had bestowed infallibility, but could not give immortality : he died.—His children all succeeded in their turn to his crown, and to his infallibility : and each changed

\* Dr. Geddes's Account of the Inquisition.

the national religion. Edward VI. converted his subjects from the Roman catholic religion, and made them protestants. Queen Mary knew well the nature of that power with which her father had been invested, and which now devolved to her. When her father had asked her, what her opinion was concerning pilgrimages, purgatory, and relics, she, like a wise woman, a dutiful daughter, and an obedient subject, returned for answer, that "she had no opinion but such as she received from the king, who had her whole heart in his keeping, and might imprint upon it, in these and all other matters, whatever his inestimable virtue, his excellent learning, and his high wisdom, should think convenient for her."\* This princess had no sooner taken possession of her high dignities, than she thought it convenient to imprint orthodox opinions on the hearts of all her subjects. Such as did not readily receive these, she committed to the flames.

\* Burnet's Reformation.

If any were so far enlightened at the stake, as to profess the true religion of the day, they were burnt in that happy moment, to secure the salvation of their souls. It was said by the privy council, “if they recant sincerely, they are fit to die; if not sincerely, they are not fit to live.”\*

She died, and was succeeded by her sister. Truth then took another form, and appeared in a more simple dress. Stript of her goodly ornaments, and gorgeous attire, it was not easy for those who had been accustomed to see and admire her in all her former splendor, suddenly to recognise her. She was no longer seen in her fiery chariot, nor was her way now marked with blood; but plain, unadorned, mild, and gentle, she *courted* rather than *commanded* the reverence of mankind. Upwards of nine thousand beneficed clergy swore allegiance to her. Thus, in the space of about seven years, was the national religion changed from catholic to protes-

\* Burnet's Reformation.

tant, from protestant, to catholic, and from catholic to protestant again ; and in every change, many of the clergy were most unjustly reduced to this alternative, either to violate their consciences, or to starve.

It is of the essence of a free government to tolerate. As the people are bound by no *laws*, but those to which they have given their own consent, and are liable to pay no *taxes*, but those which they have laid upon themselves, they have a superior right to choose their own *religion*. Men who have not studied the nature of civil society, and are not able to plead for their privileges, will yet feel that the rights of conscience were not given up to the public, when men entered into society. No man can be supposed to have given up that which is of infinite value to himself, for a finite consideration, namely the protection of the state. Again : The state can never be supposed, as a compensation for protection, to have accepted that which would become of no value the moment it should be given up, namely a man's conscience.

Once more : No man can give what is not his own to give. Conscience is no man's property ; it belongs to God alone. Every man feels this for himself. Conscience can only be directed by the understanding ; and all the power that a man has over his understanding, is to apply it, or not to apply it. He cannot choose his own creed. Every man feels this. It is equally absurd, therefore, to suppose that, by entering into society, men tacitly give up their understanding and rights of conscience, or that, being given up by any verbal agreement, that agreement can be valid, or the performance of it possible. The majority may certainly establish a national religion. It is not enough to punish crimes when they have been committed ; it is incumbent on societies to watch over the morals of the people, and to prevent the commission of crimes. It is not sufficient in a state to have legislators, judges, and executioners. To none of these can the transgressor say, " Whither shall I go then from thy spirit ; or whither shall I flee from thy presence ?

If I ascend up into heaven, thou art there ;  
 if I go down into hell, thou art there also.  
 If I take the wings of the morning, and  
 dwell in the uttermost parts of the sea ;  
 even there also shall thy hand lead me :  
 and thy right hand shall hold me. If I  
 say, surely the darkness shall cover me ;  
 then shall my night be turned to day : yea  
 the darkness is no darkness with thee ; but  
 the night is as clear as the day ; the dark  
 and light are to thee both alike.”\*

In every state there must be men chosen  
 or appointed to teach and exhort the  
 people to obey the laws, not only for  
 fear of the punishment threatened by those  
 laws, for this may often be evaded, but for  
 conscience's sake. Human laws must of  
 necessity be imperfect ; in many respects  
 they inevitably come short of their mark,  
 which is the happiness of mankind. No  
 human laws ever said, “ If thine enemy  
 hunger, feed him ; if he thirst, give him  
 drink. Be not overcome of evil ; but over-  
 come evil with good. And, whatsoever

\* Psalm cxxxix.

ye would that men should do unto you, do ye even so to them." Religion alone, and her ministers, can teach men to cultivate this heaven-born temper, and improve society to the highest pitch of perfection possible on earth.

In a well regulated state, then, there must be an established ministry, to teach the eternal law, and to be guardians of the national religion. Such a ministry has been established in every nation upon earth. Though the majority may establish a national religion, it cannot do that which it never received power to do, nor dispose of that which was never committed to it. A free state cannot compel men to part with or violate their consciences. If this state were composed of Mahometans and Gentoos, trifling as it may appear, the Gentoo must not be compelled to eat beef, nor the Mahometan to eat pork, because in so doing, each would violate his conscience.

To secure the most sacred rights of conscience, a nation must preserve its freedom.



## ON TRADE.

THE arts and manufactures, trade and commerce, are inseparably connected with freedom ; they arise from it, and they tend to produce it. Let any country regain its liberty, and these return ; let a country lose its liberty, and these gradually die away : let them flourish, and the country cannot easily be subdued by a foreign power, nor enslaved by its own sovereign. Artists, manufacturers, and merchants, are the life and soul of liberty ; the metropolis is the chief vital part, where the first and last pulse of liberty will be felt.—Under a despotic government, property is precarious, wealth is dangerous : it is not the interest of the despôt to encourage trade, nor is it the interest of merchants, and manufacturers to trust to a despôt. The most fertile country, if the government is not free, will not allure them ; security of property, and certainly of en-

joyment, being their first research, these bees often lodge their honey in the barren rock. The Tyrians by commerce acquired such wealth and strength, as enabled them for thirteen years to resist the whole power of Nebuchadnezzar ; rather than submit at last, they quitted a fertile country, and retired to a little island, where they built their city on a rock, and there maintained their freedom. At the commencement of the eleventh century, Europe began to awake, as out of a deep sleep ; the eyes of its inhabitants were opened to see the utility of commerce with the value of liberty, and their mutual connection. They had borne the yoke of feudal tyranny for many ages. That system of government was very simple, but to the last degree oppressive. The sovereign sometimes exerted despotic sway over the feudal lords ; at other times indeed, his power was circumscribed, and his authority despised ; but the feudal lords themselves exercised at all times the most absolute dominion over their slaves and vassals. Cities being subject to the juris-

dition and oppression of the lords, and deserted by merchants and manufacturers, were inhabited only by slaves, and the lowest of the people. The active and industrious artizans were driven away by the impolitic exactions, and absurd regulations, of the avaricious barons. In the eleventh century, some cities in Italy cast off the yoke, others purchased their freedom, and established an equal government. The cities of France, Germany, Spain, and England, soon followed the example, and either formed themselves into independant corporations, governed by their own laws, or else obtained charters for that purpose, from the sovereign; still remaining subject to his dominion.

In the train of returning liberty, came the arts, manufactures, commerce, industry, and wealth. Happy had it been for mankind, if luxury could have been left behind. Even luxury under the restraint of reason and religion, is beneficial to society, promotes industry, and leads to the perfection of the arts.

At the introduction of commerce, the cities of Italy took the lead, and soon established their freedom and independence. Among these was Florence, by whose government, under the form of a democracy, encouraging and protecting manufactures, this city grew in power, and its citizens in wealth.

Venice is more ancient than Florence. Venice was governed by a peculiar kind of aristocracy, whose interest it was to encourage commerce, because her nobility engaged in it. Jealous of her liberty, she employed only foreign mercenaries in her army, while her navy, which was her chief strength, was manned and commanded by her own subjects. By her traffic, she acquired such wealth and power, as enabled her in the beginning of the sixteenth century, to resist the united efforts of the pope, the emperor of Germany, the kings of France and Arragon, with almost all the princes of Italy. It matters not what form of government is adopted by any country—democracy, aristocracy, or mixed

monarchy—provided the artists, manufacturers and merchants, can find where they may enjoy peace and quietness, protection and security for their persons and possessions. We have had examples of the two first—let us consider an instance of the latter.

The seventeen provinces of the Netherlands were first united under Philip of Burgundy, in the beginning of the fifteenth century. They had long enjoyed the sweets of a free government, similar to that established in all the northern nations. The sovereignty was hereditary ; but the laws were passed, and taxes voted, by the three estates of the nobility, the clergy, and the commons. Their cities had peculiar immunities, and internal jurisdiction. This security and happiness was not disturbed by Philip. This prince being *wise*, considered that the wealth which flowed into his dominions through the cities of Bourges, Ghent, and Antwerp, would cease to flow, should these cities lose their liberty ; being *good*, he

loved his subjects, and rejoiced to see them happy. When, therefore, by their blood and treasure, he had established his throne, and secured himself against the power of France, he was contented to reign over a free people: knowing that the happiness of the subject, is the surest foundation of the sovereign's greatness.

The emperor Charles V. being a native of the low countries, had a peculiar love for this part of his dominions; which, during his reign, continued to encrease in wealth.

Philip II. his successor in the Netherlands and Spain, being a prince of different dispositions, and residing in Spain, his native country, appointed the duchess of Parma, regent of the low countries, with orders to set up the inquisition. The common people revolted, but were soon reduced. To punish them, to insure the establishment of the inquisition, and to prevent any future insurrections, Philip sent a reinforcement to the duchess, consisting of ten thousand veteran soldiers,

Spanish and Italian, under the command of the duke of Alva, an experienced general. This force produced astonishment, submission, and despair, among those who could not fly before it. “ Upon the first report of this expedition, the trading people of the towns and country, began in vast numbers to retire out of the provinces ; so as the duchess wrote to the king, that in a few days above an hundred thousand men had left the country, and withdrawn both their money and their goods, and more were following every day : so great an antipathy, there ever appears between merchants and soldiers.” \* Many of these families came to England, and settled in Norwich, Colchester, Sandwich, Maidstone, and Southampton, under protection of queen Elizabeth. In return for their hospitable reception, they enriched the kingdom with the manufacture of bays, and says, and other woollen and

\* Sir W. Temple's Observations on the Provinces of the Netherlands.

linen cloths of like kind. \* Some of them settled in Sweden, and carried the iron and other manufactures into that country. † Fresh exactions, cruelties, and oppressions, excited in the Netherlands fresh insurrections, which, never more subsided, till, after a contest which lasted upwards of forty years, the seven united provinces established their liberty, and were acknowledged a free and independent people. The arts, manufactures, and commerce, returned with returning liberty, and wealth flowed in upon them from every quarter of the globe. If, for a moment, we can turn our eyes from this scene of industry, from these rich provinces, where peace and plenty but very lately reigned, let us enquire what is become of Athens, Tyre, Sidon, Carthage, Colchis, Syracuse, Agrigentum, Rhodes, those free cities, each of which, in its day, has been the

\* Camden, p. 416.

† Lord Molesworth's Account of Denmark and Sweden.



metropolis of the commercial world?—

They are now no more ; their place is hardly to be found. They lost their liberty : the arts, manufactures, and commerce have taken their everlasting flight.

—Trade, like the sun, rose in the East ; and, with liberty, has been travelling to the West.

## ON AGRICULTURE.

AGRICULTURE depending in a great measure on the arts, manufactures, and commerce, must rise and fall with them. In vain will the farmer raise his corn, and fat his cattle, if there be not manufacturers to consume them, and merchants to transport them to a foreign market.

In a free country, agriculture is carried to the highest pitch ; farmers are wealthy ; peasants abound, and have abundant work ; all are employed, and all are happy. The farmer finds a ready market for all his cattle, corn and wool, and the peasant goes cheerfully to his labours in the field, while his wife and children sing over the spinning-wheel. " The pastures are clothed with flocks ;

the vallies also are covered with corn, and the little hills rejoyce on every side."\*

While this island was subject to the yoke of feodal tyranny, agriculture was neglected, and the inhabitants were often swept away in multitudes by famine. The condition of the peasants was most deplorable. They were all slaves, and groaned under the most galling yoke. Marriage was too honorable a state for them to be indulged in. They bred for the benefit of their masters. They could acquire no property. They were altogether at the mercy of their lord, who might either sell them, or hang them, as he pleased. That they might be every moment reminded of their condition, they were obliged to shave their heads, while freemen wore long hair. They were in all respects on the same footing with the cattle. There were some called Villani, who could acquire property, but were yet fixed to the freehold, and made part of

\* Psalm lxxv, 13.

the stock. Others again, were called ~~Freed~~ holders ; but their condition was so miserable, that they often resigned their liberty, and, for the sake of protection, chose rather to be slaves." \*

This is still the wretched state of Poland, and most other parts of the Continent. Some of the lords possess entire provinces ; they oppress the husbandmen, in order to have the greater quantities of corn, which they send to strangers, to procure the superfluous demands of luxury. This is their only article of commerce : had they no foreign trade, they would be more happy, as the peasants would then have bread to eat, and therefore would till the ground with cheerfulness. †

The condition of Russia is but little better. They have more trade ; but the peasants being slaves, and having no property in the soil they cultivate, can have but little encouragement to industry—no

\* Robinson's Charles V.

† Montesqu. b. xx. c. 21

room for emulation, or ambition. The nature of the government may be known by the face of the country. We may say of despots, as the prophet does of the locusts, "The land is as the garden of Eden before them, and behind them a desolate wilderness." \*

\* Joel ii. 3.

## ON POPULATION.

**T**HE strength and prosperity of every nation, depends upon the number of its inhabitants. The more persons there are to bear the taxes, the lighter will the burthen be on the shoulders of each individual. The more fighting men any country can send forth, the better able will it be to defend its own borders, or to annoy the enemy.

The number of inhabitants in any country, will bear proportion to the ease with which the man and wife can gain subsistence, together with the personal security afforded by the government of that country. Every one who is industrious, may gain a subsistence, where agriculture, the arts, manufactures, and commerce are encouraged. These are encouraged, and flourish under a free government. Where the government is free, there

also will be the greatest personal security. Under a free government, therefore, inhabitants will most abound.

A country may be in itself barren, or only relatively so ; it may produce nothing, or not enough for the inhabitants. If its produce be relatively defective, this may arise from the fecundity of the women, from habits of luxury, or from taxation. In all these cases, migrations will take place, but with different effects. In the former, they will be beneficial, in the latter hurtful. But when migrations arise from oppression, they are destructive ; the cause always remaining, the state must be totally exhausted in the end. Though the country be absolutely barren, yet, if it be surrounded by countries subject to oppression, where property is precarious, and personal security is not provided for, this barren country, if under a free government, will abound with inhabitants.

Any change in the national religion, brought about by violence, tends to depopulation, by exciting civil war.

It has always been observed, that in civil wars, every evil passion of the human breast rages with relentless fury ; every bond is loosed ; amidst the noise of arms, the laws are silent ; moral obligations have no longer any force ; the ties of blood and friendship are dissolved. When the devouring flames have spread, torrents of blood alone can extinguish them ; but torrents of blood cannot remove the deep-rooted enmity and hatred from the hearts of the survivors. It requires ages, to wipe away the remembrance of those evils, which the contending parties brought upon each other. If common civil wars are so fierce, how much more fierce are those which claim the sanction of religion, even of that religion which proclaims peace on earth, good will towards men ? In such wars, every species of cruelty is practised, without the least remorse ; the evil passions, not only are let loose, but are urged on and armed with the authority of God :



Religion then, no longer like herself,  
 Assumes the port of Mars; and at her heels,  
 Leash'd in like hounds, do famine, sword,  
 And fire, crouch for employment.

Under the government of a despot, the established religion can have no security. Every man, who has a system of religion, must have a good opinion of it, or he would renounce it; he must, of necessity, think it the best system, or he would change it for a better. He who has found a treasure may conceal it, that no part of it may be taken from him; but he who thinks he has found the truth, if he have any benevolence of heart, will wish to communicate it to others: and this the more readily, because he does not thereby diminish his own stock. Zeal for the honor of his God, and a hope of future reward, will urge forward this charitable work. By these motives, we may suppose the despot to be actuated, provided he happens to have a favorite system of his own. The truth is so clear to his own mind, and the arguments in favor of

his system so convincing, that if men do not see the one, and feel the force of the other, it must be because they wilfully shut their eyes against the light, and obstinately refuse to yield obedience to the truth. What the force of arguments will not do, the force of authority must accomplish, and thus, either from a principle of benevolence or pride, the despot changes the national religion. This scene has often been exhibited in our island. As long as our constitution lasts, it is to be hoped, we shall never see this scene again. Should we, in any future period, lose our liberty, the national religion would most likely undergo another change, as destructive to the human species as fire and sword can make it.

Nothing tends more to depopulate a country than persecution. This is the immediate and inevitable consequence of changing the national religion. Men of principle cannot be compelled by violence, to renounce what has been deeply impressed upon their minds as truth, nor

hastily to receive as true, what they have been taught to reject as false. Men of honor cannot bear to be treated with contempt, as rational, and therefore capable of religion; as irrational, and therefore not fit to choose their own religion; as hypocrites and time-servers, who have hitherto professed a false religion; or who are to quit the true, merely through fear of the ruling power. Therefore, in every change, many of the priests and people, from conviction, prejudice, love, reverence, or pride, must be attached to the old religion, and from motives of conscience, interest, or resentment will resist. This resistance is the commencement of a civil religious war, and the consequence of such a war will inevitably be, that the victors will, for a time, persecute the vanquished. Persecution is both the parent and offspring of prejudice; and to avoid the reproaches of humanity, sometimes hides herself behind the pretence of self-preservation, and aims at extirpation: at other times, persecution puts on

the disguise of charity, and professes to exterminate only with a view to the happiness of mankind ; that by the excision of the infected member, the body may be preserved ; and that by punishment some may be reclaimed, and others, by the example, kept from errors. At other times again, persecution appears in the character of a holy zeal, and for the honor of God ; her left hand holding a lighted torch, her right hand grasping a sword, she goes forth to avenge the injured Majesty of Heaven. Persecution tends to depopulate a country, not only like fire, by destroying, but like a whirlwind, by dispersing. When Louis XIV. in violation of his most solemn promises, and without any provocation, but only for the glory of God, and the happiness of mankind, revoked the edict of Nantz, granted to the protestants in the reign of Henry IV. more than eight hundred thousand people, with their money, arts, and manufactures, left France, where their fathers had enjoyed the free exercise of their reli-

gion near an hundred years. \* Fifty thousand of these came to England, and brought the silk manufacture with them. Many of these fugitives carried their industry, arts, and manufactures, with them into Holland, where their counttymen had found a safe retreat from the persecution of Henry II.

The provinces of the Netherlands afforded an asylum for the persecuted of every country; they stretched forth their arms to receive, and to protect the protestants, driven out of Germany by Charles V. and from England by queen Mary.

The persecution in these provinces, under the Duke of Alva, drove away above one hundred thousand families; but when the seven provinces united to defend themselves, under the conduct of the prince of Orange, and the persecution for religion began to grow sharp in the Spanish provinces, all the professors of the reformed religion retired into the strong cities of

\* Mezeray, Hist. de France.

this commonwealth. \* By the frequent arrival of such swarms, driven out from their own hives, the united provinces became the most opulent, the most populous, and best cultivated countries in the world.

In the year 1666, Louis XIV. perceiving that his country had been depopulated by persecution and civil wars, thought of providing a remedy; and therefore appointed considerable pensions to those who had ten children, and greater to those who had twelve. As if by this means he had made an ample provision for restoring population, he proceeded immediately to exhaust the blood and treasure of his subjects, with the greatest prodigality in foreign wars, and continued to do so for nineteen years; and then, to crown all, revoked the edict of Nantz, the consequence of which, we have partly seen above. This infatuated monarch was not satisfied with driving from his dominions the most industrious and peaceful of his

\* Sir William Temple's Obs. on the Netherlands.

subjects; he armed with his power Madame de Maintenon, his favorite mistress, who employed that power, and all her influence, in extirpating the protestants, and thereby depopulating the kingdom.

In the year 1236, the kingdoms of Granada and Valentia, and in the year 1265, the kingdom of Mercia, were recovered from the Mahometans. The body of the people in these kingdoms were Moors, as also many in Estramadura, Aragon, and Catalonia; these were all Mahometans, wore that dress, and spoke only the Arabic language. From this time, the Moors, Christians, and Jews, lived in harmony, till Ferdinand, in the year 1492, took the city of Granada, and put an end to the Moorish government in Spain, after it had lasted seven hundred years. His first act was to expel 800,000 Jews from his dominions; and seven years after he called upon cardinal Ximenes to convert the Moors. The cardinal, who was a man of business, burnt all their Alcorans, and baptized all their children. This violence excited an in-

surrection in Granada, which being soon  
 quelled, the insurgents, to the amount of  
 fifty thousand, were compelled to be bap-  
 tized also. This insurrection was followed  
 by a general rebellion of the Moors, who  
 fortified themselves in the mountains, and  
 in their towns. The king marched in per-  
 son against them with his troops, and as  
 fast as he reduced them, he compelled  
 them to redeem their lives by being bap-  
 tized. One hundred thousand of these  
 poor wretches were, in the space of forty  
 years, condemned by the inquisition for  
 apostatizing; of which number four thou-  
 sand were burnt, thirty thousand were re-  
 conciled, and the rest made their escape  
 into Barbary. The inquisition still went  
 on burning them, and seizing their effects.  
 The same scenes were exhibited in the  
 kingdom of Valentia. In the beginning of  
 the seventeenth century, the archbishop of  
 Valentia, finding that the Moors were still  
 Mahometans, though they had been all  
 baptized, and that they remained ignorant  
 of the Christian religion, in which they had



never been instructed, prevailed on Philip III. to expel them in the most inhuman manner, to the number of six hundred thousand, or, according to other accounts, to more than one million, at the same time plundering them of their effects. Thus did Spain lose its most temperate, frugal, industrious inhabitants, with their valuable manufactures.

To confirm the observations made above, and in the two preceding chapters, I shall produce a few quotations, chiefly from bishop Burnet's travels through Switzerland and Italy.

“Switzerland,” says this good bishop, “lays between France and Italy, which are both of them countries incomparably more rich, and better furnished with all the conveniencies of life, than it; and yet Italy is almost dispeopled, and the people in it are reduced to a misery which scarce can be imagined by those who have not seen it; and in France the people are reduced in all the marks in which it can shew itself, in their houses, furniture, clothes, and looks.

On the contrary, Switzerland is full of people, and in every place, in their villages as well as in their towns, one sees all the marks he can look for, of plenty and wealth, and every one lives at his ease. This surprized me yet more in the country of the Grisons, who have almost no soil at all, being situated in vallies, the soil of which is almost washed away with the torrents falling down from the hills ; yet these vallies are well peopled, and every one lives happy and at his ease under a gentle government ; whilst other rich and plentiful counties are reduced to such misery, that as many of the inhabitants are forced to change their seats, so they who stay behind, can scarce live and pay those grievous impositions whic hare laid upon them—

P. 43. In the Ferarese we were amazed to see so rich a soil forsaken of its inhabitants ! and much more, when we passed through that vast town, which is now so much deserted, that there are whole sides of streets without inhabitants. I could not but ask all I saw, how it came to pass

that so rich a soil was so strangely abandoned? Some said the air was become so unhealthy, that they who stay in it are very short lived. But it is well known, that eighty years ago, it was very well peopled. The ill air is occasioned by the want of inhabitants to drain the ground, and keep the trenches clean. The true cause is, the severity of the government, the heavy taxes, and frequent confiscations, which have devoured many families, and driven away many more—P. 166. Florence is much sunk from what it was, and the other states that were once great republics, such as Sienna and Pisa, while they retained their liberty, are now shrunk almost into nothing. As one goes over Tuscany, it appears dispeopled, and poor, and in many places the soil is quite neglected for want of hands to cultivate it; and in other places, where there are more people, they look so poor, and their houses are such miserable ruins, that it is scarce accountable how there should be so much poverty in so rich a country, which is all

over full of beggars. The dispeopling of Tuscany, and most of the principalities of Italy, but chiefly of the pope's dominions, which are more abandoned than any other part of Italy, seemed to flow from nothing but the severity of the government, and the great decay of trade—P. 176. All the way from Florence, through the great duke's country, looked so bad, that I concluded it must be the most dispeopled of all Italy; but indeed I changed my note when I came into the pope's territories at Pont Centino; where there was a rich bottom, all uncultivated, and not so much as stocked with cattle: but as I passed from M. Fiascone to Viterbo, this appeared yet more amazing; for a vast champaign country lay almost deserted; and that wide town which is of great compass, hath as yet so few inhabitants, and these look so poor and miserable, that the people in the ordinary towns in Scotland, and in its worst places, make a much better appearance. When I was within a day's journey of Rome, I fancied that the neighbour-

hood of so great a city must mend the matter; but I was much disappointed; for a soil that was so rich, and lay so sweetly, that it far exceeded any thing I ever saw out of Italy, had neither inhabitants in it, nor cattle upon it, to the tenth part of what it could bear; the surprize that this gave me, encreased upon me as I went out of Rome, on the other side chiefly all the way to Naples, and on the way to Civita Vecchia; for that vast and rich champaign country that runs all along to Terraccina, which from Civita Vecchia is above an hundred miles long, and is in many places twelve or twenty miles broad, is abandoned to such a degree, that as far as one's eye can reach, there is not so much as an house to be seen, but on the hills that are on the north side of the valley; and by this dispeopling of the country, the air is now become so unwholesome, that it is not safe to be a night in it all the summer long; for the water that lies upon many places not being drained, it rots, and in the summer this produces so many noisome

steams, that it is felt even in Rome itself; and if it were not for the breezes that come from the mountains it would be intolerable. In a word, it is the rigor of the government that has driven away the inhabitants."

Lord Molesworth gives the following account of Denmark. " In former times, and even till the late alteration in the government, the nobility, that is the gentry, lived in great affluence and prosperity; their country seats were large and magnificent, their hospitality extraordinary, because their plenty was so too.

" They lived for the most part at home, and spent their revenues among their neighbours and tenants by whom they are considered and respected as so many petty princes. Now they are sunk to a very low condition, and diminish daily, both in number and credit; their estates scarce paying the taxes imposed on them, which makes them grind the faces of their poor tenants, to get an overplus for their own subsistence. Nay, I have been assured by

some gentlemen of good repute, who formerly were masters of great estates, that they have offered to make an absolute surrender to the king of large possessions in the island of Zealand, rather than pay the taxes ; which offer, though pressed with earnestness, would by no means be accepted ; because estates belonging to the same gentlemen, lying in other places, which had the good fortune to be taxed less than the full income, were liable to pay the taxes of any other estate, appertaining to the same person, in case the other estate were not able. Through these and several other means, many of the ancient families are fallen, to decay ; their country houses which were, like palaces, being ruinous, they are forced to live meanly and obscurely, in some corner of them ; unless it be their good fortune to procure an employment, civil, or military, at court ; which is the thing they are most ambitious of ; it being indeed necessary to secure their families any tolerable subsistence, or to afford them some shelter from the in-

justices and exactions of the collectors. None but the new nobility, i. e. such as have titles from the king have liberty to make a will, unless it be approved and signed by the king during the testator's life. In case it should happen that one who has a mind to transplant himself to another place, could find a purchaser for his estate ; the law is, that one-third of the purchase-money shall accrue to the king ; and indeed if there were not such a severe law against alienations, it is possible most of the present possessors would quit the country the first opportunity. The king assumes to himself the power of disposing of all heirs and heiresses. The natives are considered much less than strangers, and are more out of the road of preferment, as all sorts of places, civil and military, are filled more by foreigners than gentlemen of the country ; and in the disposal of offices, it is remarkable, that such as are of ordinary birth and fortune, are much sooner preferred than those of contrary qualities ; so that here may be found several in the



most profitable and honorable employments, who have formerly been serving-men, and such like ; and these prove the best executors of the will and pleasure of arbitrary power, and are caressed accordingly.

“ The difficulty of procuring a comfortable subsistence, and the little security of enjoying what shall be acquired through industry, is a great cause of prodigality, not only in the gentry, but in the very burghers and peasants. They live to day, not knowing but what they now have, may be taken from them to-morrow. The courtier buys no land, but remits his money to the bank of Amsterdam or Hamburgh : the gentleman, the merchant and the burgher, spend presently what they get, before it be taken from them by taxes : the peasant as soon as he gets a rix dollars lays it out in brandy with all haste, lest his landlord, whose slave he is, should hear of it, and take it from him. Thus

*Torva leona lupum sequitur, lupus ipse capellam.*

VIRGIL.

“ The trading towns and villages, except Copenhagen, are fallen to decay. Thus Kiog, which in Christian IV.’s time raised freely for that king’s service, in one day, two hundred thousand rix dollars; yet upon occasion of the last poll tax, the collectors were forced to take from this and other towns, in lieu of money, old featherbeds, bedsteads, brass, pewter, wooden chairs, &c. which they violently took from the poor people, who were unable to pay, leaving them destitute of all manner of necessaries for the use of living. The peasants are all numbered and sold as belonging to the freehold, as trees are with us. If any of these wretches be of a diligent and improving temper, and repairs his farm-house, making it convenient, neat, or pleasant, it is forty to one but he is presently transplanted from thence to a naked and uncomfortable habitation, to the end that his griping landlord may get more rent by placing another on the land that is thus improved. Another grievance is the quartering and paying of the soldiers. For every

hundred rix dollars which any house is rated at, the inhabitants are obliged to quarter one soldier: thus a vintner at Copenhagen, and he none of the richest, having the ground of his house valued at nine hundred rix dollars, he consequently has nine soldiers on account of his house, and three more on account of his trade. The like proportion is regarded towards all others with respect to their houses and trades. Among the hardships which are imposed upon these poor peasants, that which seemed to me one of the greatest, was the obligation they lie under, to furnish the king, royal family, and all their attendants, their baggage, and furniture, with horses, and travelling waggons, whenever he makes any progress, which he often does to Jutland, or Holstein, or takes any lesser journey in Zealand; nay although it be only to his country houses of Frederiksburgh, and Yagersburgh. In these cases, all the peasants that lie near the road, or in that district, are summoned to attend with their horses and waggons

at certain stages, where they are to relieve each other ; and this they often do, always at their own charges for man and horse's meat, for two or three days together ; no regard being had to the season of harvest, which is the usual travelling time, or to any other conveniency of these poor wretches. Neither is it only when the king himself travels, that the boors are put to this trouble ; but whenever he pleases to give his warrant to any person of quality, or officer, that has a journey to make, they are obliged to this service and attendance. In short, under a despotic monarch, they enjoy all the hardships of their old feudal system, together with those peculiar to despotism. All eatables and drinkables brought into any town pays a heavy excise. They pay great stamp duties, land-tax, poll-tax, fortification-tax, marriage-tax, when any of the king's daughters is to be married ; trade-money in proportion to the supposed gains ; ground-rents in towns. The poll-tax is on infants as well as adults."

Mr. Swinburne, in his account of a journey through Spain, gives a very striking description of its inhabitants. He says, "The listless indolence, equally dear to the uncivilized savage, and to the degenerate slave of despotism, is no where more indulged than in Spain; thousands of men in all parts of the realm, are seen to pass their whole day, wrapped up in cloaks, standing in rows against a wall, or dozing under a tree"—P. 369. "They are not naturally a serious melancholy people; but misery and discontent have cast a gloom over them; increased, no doubt, by the long habit of distrust and terror, inspired by the inquisition"—P. 372. Dr. Robinson agrees with Mr. Swinburne, in attributing the declension of their trade, the loss of their wealth, and their want of people, to the despotic government, introduced by Charles V. \*

We must return once more to Holland and the low countries. We have observed

\* Robinson's Charles V. vol. ii. p. 262.

that the united provinces were the most opulent, and the best peopled of any country in the world. This is the more remarkable, because their most opulent and best peopled provinces, are the most unhealthy of any provinces in Europe. This appears from Sir John Pringle's observations on the diseases of the army, who attributes it to the dampness of the soil, and the badness of the air and water. Their four maritime provinces produce little besides butter and cheese. The wool with which they are clothed, and the corn by which they are fed, is not of their own growth. Every article used in building their ships, is imported from other countries. Part of the country was gained out of the sea, and is preserved with infinite labour and expence, *erat instabilis tellus inabilis unda*. It is evident, therefore, that nothing but a love of liberty could induce men to leave the most fertile countries, to take refuge in this once barren and inhospitable corner of the world. We may therefore conclude, that

the present unprincipled usurper of France, having by violence and corrupt influence deprived the united provinces of their liberties, and assumed despotic power, will find that he has grasped a shadow. The riches, the trade, the very people themselves will vanish, "like the baseless fabric of a vision." The sea will destroy their dikes; that powerful invader will break in upon their land, and leave their chiefest cities to be little fishing towns, ~~as~~ they were of old.\* The prince of Orange manifested not only his goodness, but his wisdom, when he rejected the offer made to him by Charles II. of England, and Lewis XIV. of France, that they would unite their forces, to invest him with absolute sovereignty, which in the end would be no more than absolute dominion over a few miserable fishing towns.

If England, in any future period, should lose her liberty, her citizens will seek refuge in America. This track has been

\* Sir William Temple's *Netherlands*.

already marked out to them, by those who fled into the wilderness, from the persecutions which succeeded the reformation. These were the first settlers in North America, who, after enduring the greatest hardships, established the flourishing colony of New England. For the last century and an half, the emigrations from Europe have been continually encreasing. Colony after colony has been settled ; and yet there is room.



ON THE DIFFERENT RANKS AND DE-  
GREES OF SUBJECTS.

THE Princes of the blood can have no security under a despotic government, nor can they have any attachment to each other. If the father is jealous of his children, or his brothers, he may be easily prevailed upon to provide for his own security, by causing them to be strangled. As he can name any of them for his successor, they must be jealous of each other, and the more so, because the safety of the successor requires, that all his brothers should be destroyed. As the despot is not confined to his own family for the choice of a successor, they may all be set aside; which must be fatal to every one of them. Should he neglect to name a successor, the consequence must be a civil war, ending perhaps in the extirpation of the family,

or the division of the empire. For the confirmation of these positions, founded in the very nature of despotism, we may refer, if need be, to the history of the Roman empire, of Russia, of Turkey, and of Persia, ancient and modern.

Under a free government, the princes of the blood, be they ever so numerous, enjoy personal security; they help to support, and are supported by the throne; they bear the highest honours, and share the most important offices in the state. I cannot help here reciting what Sempronius says to Portius, as applicable to all our princes. “Thy father’s merit sets thee up to view, and shews thee in the fairest point of light, to make thy *virtues*, or thy *faults* conspicuous.”

The prime minister of a despot, like a lofty and wide-spreading oak, may excite the admiration of mankind, while, like the beasts of the field, they couch beneath his shadow. A sudden storm arises, the thunder roars, the lightnings flash, in a moment, in the twinkling of an eye, the

oak is rent in twain, and the beasts which sought shelter under its branches, escape from it with the utmost precipitation. We see Haman, the son of Hammadatha the Agagite, one day advanced by Ahasuerus, and seated by his side, above all the princes of the realm, while every knee is bowed before him ; the next day we behold him exalted on a gallows, fifty cubits high. In a despotic government, the prime minister can have no security for his honors, his possessions, his person, or his family. By studying every moment the humors of his master, preventing and gratifying his every wish, by mean compliance, and servile flattery, he may gain his affection, and govern while he seems only to obey.

But this cannot always last.—The attention cannot be kept always on the rack, yet one moment's inattention may be fatal ; the minister cannot always command his passions ; these may happen for a moment to stand in his master's way, and their wills may clash. The minister's inventions may not keep pace with the expectations

of the despot, who is ever looking for new gratifications. The despot himself, spoiled with indulgence, will in time grow fretful, unreasonable in his expectations, and weary of the same object ; like a peevish, ill spoiled child, he will be out of humor, he knows not why, and quarrel with those who have studied most to please him. The minister may be then easily supplanted, and that even by his own creatures. Against this it is impossible to provide ; neither the prudence, nor the attention, nor the abject subjection of a minister, can prevent his being attacked from a quarter he cannot guard against. The history of despots, is little more than the history of intrigues ; as often as they change their mistress, they change their minister ; the one implies the other. Thus Wolsey, thus Thomas Cromwell fell, and thus have fallen thousands.—If a prime minister be not thus supplanted, yet, not being able to command events, his wisest councils may be unsuccessful ; unexpected misfortunes may happen without his fault,

and for these misfortunes he must be responsible. His conduct cannot be examined in a court of law, much less by impartial judges: the despot is become lazy, and cannot endure the pain of thinking; the minister therefore must, right or wrong, be punished.—This punishment differs according to the climate, and the perfection or imperfection of the despotism. Under a free government, to be dismissed, implies only that the minister is out of office, retaining however, his life, liberty, and property; but under a perfect despotism, to be dismissed, and to be strangled, are synonymous. Under a monarchy or bastard despotism, the minister when out of favor is generally banished; instances of which we have had in France, Spain, and Russia: or delivered over to the laws which had been violated, or supposed to be violated, by the minister, while under the protection of his sovereign; as instances of which may be produced, the earl of Somerset, in the reign of James I. but above all, Thomas Cromwell, and Wolsey,

in the reign of Henry VIII. No subject had ever been taken from a more humble station than Wolsey; no subject had ever been raised so high. He had the archbishoprick of York, and with it held the abbey of St. Alban's, and bishopricks of Winchester, Bath, and Wells; he was at the same time lord chancellor, cardinal, pope's legate, and prime minister. Thus exalted, he was courted by the most powerful princes of Europe, who were desirous of purchasing his friendship at any rate. No mortal ever possessed a greater share of pride, vanity, avarice, and ambition, or was more implacable in his resentments; no mortal had ever more opportunities of gratifying those passions. He had supplanted the earl of Surry, by the strength of his understanding, by his indefatigable application, and above all, by gratifying the passions of his sovereign; but after enjoying his high dignities for seventeen years, he was at last supplanted by one, whose interest did not coincide with his. He was unfortunately too eager in pursuit

of the triple crown, as Henry was of his divorce. Henry had hitherto given up every thing to him ; this he could not give up. Love is stronger than death, jealousy is cruel as the grave. Ungrateful Wolsey found it so ; the beauty of Anna Bullen triumphing over the strong attachment Henry had for him, he was disgraced, banished the court, accused of high treason, and arrested ; but happily for himself, disappointed his enemies by his unexpected death.

“ Farewel, a long farewel to all my greatness !  
 This is the state of man ; to day puts forth  
 the tender leaves of hope, to-morrow blossoms,  
 And bears his blushing honours thick upon him.  
 The third day comes a frost, a killing frost ;  
 And when he thinks, good easy man, full surely,  
 His greatness is a ripening, ups his root ;  
 And then he falls, as I do.—I have ventured  
 Like little wanton boys, that swim on bladders,  
 These many summers in a sea of glory ;  
 But far beyond my depth ; my high blown pride  
 At length broke under me ; and now has left me  
 Vain pomp and glory of this world, I hate ye ;  
 I feel my heart now opened. Oh ! how wretched  
 Is that poor man, that hangs on princes’ favours !

There is, betwixt that smile he would aspire to,  
 That sweet aspect of princes, and our ruin,  
 More pangs and fears than war or women have;  
 And, when he falls, he falls like Lucifer,  
 Never to hope again."

The Nobility.—This order of men is equally inter-  
 esting in a democracy, and in a despotic government; the jealousy of the citizens excludes them from the former, the jealousy of the despot excludes them from the latter. In the former, all must be equal as freemen; in the latter, they must be all equal as slaves, the sovereign alone excepted. The nobility may be considered as a class of men elevated above the rest by superior fortune, and more careful education; who have a certain value stamped upon them by the sovereign, which value being only nominal, not intrinsic, cannot of itself give currency: this the nobility themselves must give; and in order to give it, must possess the intrinsic value. As they are elevated above the rest, they must feel that



the eyes of men are fixed upon them, and that from them is expected the most exalted virtue, a peculiar greatness of mind, a high sense of honor, a love of liberty, with a contempt of dangers, and of death. In a word, every nobleman must feel, that he is by birth a hero. In a mixed monarchy, this order of citizens is infinitely valuable, the nobility being at once the support of the throne, and guardians of the people. In a government purely despotic, they are altogether intolerable. “How can a despotic prince bear with such a thing as honor? Honor glories in contempt of life; and here the prince’s whole strength consists in the power of taking it away. How can honor ever bear with a despotic prince? Honor therefore, is a thing unknown in despotic governments.” \*

As in a pure despotism, the nobility must be annihilated; so in a bastard des-

\* Montesq. b. ii., c. 5. 2.—b. iv. c. 3.

potism, they must be depressed, impoverished, and kept dependant on the court. It is evident, the kings of France had nothing to fear, but from their nobility.

In the last reign, but one, this body felt its insignificancy. When the king held a bed of justice at the time he banished his parliaments, there was not one, even of the princes of the blood, who dared to deliver an opinion: but when that creature of intrigue, the chancellor Maupas, asked their opinion, one by one, many trembled, turned pale, and answered, that they had no opinions. When baron Montesquieu endeavours to prove, that it is the interest of ~~monarchs~~ monarchs to support and cherish the nobility, as being universally the supporters of the throne; this is on the principle, that the pure monarchy, or government by *law*, is not to be corrupted; that courts of justice are to con-

\* Epi. des Loix. l. viii. c. 9.

tinue free; and cities, and all corporate bodies to retain their privileges;\* but then, he has very justly observed, “ the rivers hasten to mingle their waters with the sea; and monarchies lose themselves in despotic power.”†

What has been said of the nobility, must hold good, in a degree, of gentlemen of great landed property. When the sun appears, every star withdraws its light.

The People. In a pure despotism, there are none but the people; there is but one class—all are equal, all are slaves; no man has property; his life, his liberty, his possessions, his conscience, are all at the disposal of the despot.

In a bastard despotism, there is a regular gradation of oppression; as the nobles are under the most abject subjection to the monarch, they are indulged in tyrannizing over the people. In this sort of

\* *Ép. de LOIX.* l. v. c. 10. 11.

† *Ibidem.* l. vi. 17.

government, the people have as many tyrants, as there are lords. from each of which, they may expect injuries, and from none of which, they can expect redress.

Libertas pauperis hoc est.  
 Pulsatus rogat, et pugnis concussus adorat,  
 Ut liceat paucis cum dentibus inde reverti.  
 Juv. ~~278~~ Sat. iii. 300.

## ON THE ARMY.

**I**N despotic governments, there must be a standing army, because the citizens at large must not have arms, and a national militia alone, cannot be trusted by this government. When one prince encrease his standing army, his neighbours must also encrease theirs; as they augment their troops, he must do the same. Thus, like contending hawks, they try which shall mount the highest. The number of troops being encreased, the soldiers pay must be diminished. It is said, that no troops in Europe are so ill paid, as the king of Prussia's—no sovereign in the world has so many troops, in proportion to the extent of his dominions. In France, they are not much better paid. Baron Montesquieu, says, “ that the French nobility always served their prince with

their whole capital stock ; and when that was sunk, made room for others, who followed their example ; who went to war, that they might never be reproached with not having been there ; who, when they could no longer hope for riches, lived in expectation of honors ; and when they had not obtained the latter, enjoyed the consolation of having acquired glory." Cold consolation this, for one who spent his patrimony, that he had acquired glory for his sovereign !

Under a despotic government, the soldiers are continually sacrificed to the resentment, ambition, or avarice of the despot, his mistress, or his favorite. In reading the history of mankind, let any one calculate, and he will find, that of all the bloody wars which have been carried on, from the commencement of the world, ninety-nine out of an hundred have originated from the insatiable avarice, or the restless ambition of the despot, or from his resentment of some affront offered to his person, and this, either real

or imaginary. As for the prosperity and happiness of the soldier, or the subject, these are of no account in the estimation of one, "whom his senses continually inform, that he himself is every thing—his subjects nothing."

None have ever been more despotic than the Persian monarchs ; and none have ever sacrificed more men to their resentment and ambition. When Cambyses, the son of Cyrus, after subduing Egypt, determined to attack the Ethiopians with his whole army, without considering that he had neither provisions, nor any thing necessary for such an expedition ; what could they do ? He compelled them to follow him through the deserts, where fifty thousand of his soldiers were overwhelmed by clouds of sand, and more died of hunger, while he fared sumptuously every day.

The expedition of Darius against the Scythians, was equally destructive to his

\* Herodotus. l. iii.

soldiers, without their having a probability of gaining any advantage for themselves, or for their country. This people had neither towns, nor houses; they inhabited an uncultivated country; they roved from spot to spot, to seek pasture for their flocks, which, with liberty, was their only property. Darius did not want their flocks, he wished to rob them of their liberty. His brother, Artabanes, remonstrated against the injustice, the folly, the madness of the enterprize; but in vain. The Scythians being informed of his intentions, sent their flocks, with their old men, women, and children, to the most northern part of their territory, filled up their wells, and then marching with their allies to meet the king, who invaded their country with seven hundred thousand men, they decoyed him into the heart of their country. The further he advanced, the greater hardships he endured, and the more difficult and dangerous his retreat became. Weary at last of proceeding in a country where nothing



was to be got, and of pursuing an enemy, whom he could never bring to action, but who was continuing harassing his troops, he fled with the greatest precipitation from a ruin which seemed inevitable, and with the shattered remains of his vast army, he re-passed the Danube. \*

His successor invaded Greece, at the head of the greatest army which Asia ever poured forth, his land forces alone amounting to above two millions. The greatest part of these fell as victims devoted to his ambition. Defeated at the Straits of Thermopylae, and again at Salamin, by men who fought for liberty, he retired with precipitation, through a country where he had made no provision for the support of his troops; and after a continued flight of five-and-forty days, he crossed the Hellespont in a little boat, and almost alone, leaving the famished remnant of his army, to provide for its own security.

\* Herodotus, l. i.

Though the sovereigns of Persia, as being most despotic, have been most prodigal of the soldiers' blood, the princes of Europe have not been oversparing, when they have had it in their power to indulge their private piques, their ambition, or their avarice. Such were the English princes, who sought to conquer France, or in other words, to translate the seat of empire, and reduce England to a province. In this mad pursuit, as many lives were lost as Xerxes lost in his attempt to conquer Greece. Such were Francis I. and Louis XIV. of France; such Charles V. of Germany, and Charles XII. of Sweden; such Frederick III. king of Prussia. On the other hand, such princes as have not been strong enough to attack their neighbours, have hired out their troops to other princes, and have, from an insatiable avarice, sent them to murder those who never injured them. "The chief priests of the Jews took the silver pieces, and said, it is not lawful to put them into

the treasury, because it is the price of blood."\*

The sovereigns of Germany have not been of the same way of thinking. It is said of Dionysius the younger, that he made a debauch, which continued for three months entire, during all which time, his palace, shut against all persons of sense and reason, was crowded with drunkards, and resounded with nothing but low buffoonery, obscene jests, lewd songs, dances, masquerades, and every kind of gross and dissolute extravagance. One would imagine he had just received a subsidy for the hire of his troops. Such precisely was the conduct of the prince of Hesse, when he received the first subsidy from England, for the troops which went over to America. He sent to Paris for players, dancers, and prostitutes, and continued his debauch till his money was all gone. It was not to be imagined, that his soldiers, in the mean time, would ga-

ther laurels in America. When citizens become soldiers, and fight for the *laws* and *liberties* of their country, they are capable of performing wonders; witness Marathon! witness Thermophylæ! But when slaves are sold, and know that they are sold, how can it be expected that they will fight?

Montesquieu observes, that “ the English know better than any other people upon earth, how to value, at the same time, these three great advantages, religion, commerce, and liberty.” There is a remarkable connection between these; they tend to produce or promote each other. Religion and commerce are so congenial, that, in ~~many~~ instances, they produce the same effects. If religion teaches, requires, and induces men, “ to beat their swords into ploughshares, and their spears into pruninghooks;” so also does commerce. If the spirit of commerce were to prevail universally, “ nation would not lift up sword against

"nation, neither would they learn war any more." \*

Commerce softens and polishes the manners of men. It unites them by one of the strongest of all ties, the desire of supplying their mutual wants. It disposes them to peace, by establishing, in every state, an order of citizens, bound by their interest to be the guardians of public tranquillity. † No nation valued trade more highly than Holland; and no nation took more pains to live in peace. Their soldiers were ever ready to defend their country, if attacked, but they were not harrassed and worn out by hard service in foreign climates, nor hurried from the frigid to the torrid, and from the torrid back again to the frigid zone, to make new conquests for a despot, and encrease the number of his slaves. Their duty hitherto was honorable, their employment easy; but how is the scene changed!

\* Isaiah, ii. 4.

† Robertson's Charles V, i. 97.

It is the interest of the soldier to preserve the liberty of his country.

Soldiers are men. Liberty is as valuable to them as other citizens. They have relations, they have friends, in whose happiness or misery they must sympathize; but independent of this consideration, it is evident, they must share in the happiness or misery of the country where they dwell. It is yet further evident, that they cannot put a yoke upon the neck of their fellow-citizens, without, at the same time, being slaves themselves. It can be but small consolation to the janazaries at Constantinople, that they are sometimes able to dethrone one sultan, and exalt another; for hereby they only change their master. The new sultan loves the treachery, but hates the traitors; he will therefore secure the possession of his new dignity, by the destruction of those who raised him to it. In other states, the soldiers have not even this consolation. Every soldier, who is a man of principle, considers, that his

first duty is to his country, and to the chief magistrate only as the executor of his country's laws ; hence the beauty of that epitaph over Leonidas and the heroic Spartans, who died gloriously at the Straits of Thermophylæ, fighting for the liberties of Greece ;

Go stranger, tell the Lacedemonians, that we lay  
Here, having died in obedience to *the laws*.

The only consolation a soldier can have, under all the dangers, hardships, and fatigues of war, is, that he is fighting for his country, his religion, or his liberty.

## ON THE NAVY.

THE safety and prosperity of these kingdoms, depending principally upon our marine strength; how to acquire and increase this strength, when necessary to exert it, upon the purest principles of equity, should ever be the first object of political consideration.

But so far from attending, in this case, to these principles, our present practices are diametrically opposite to them: and those very people who are most useful in national *dangers* and *difficulties*, are the most abused of any individuals in the state: those very people, through the efficacy of whose courage and conduct we retain our liberty, are the only people in the kingdom denied the enjoyment of it themselves.

State necessity is the usual plea for this inconsistent behaviour to seamen, which



plea, pre-supposes the impracticability of effecting the same ends by more salutary means; but this conclusion is as erroneous, as the conduct founded upon it is reprehensible.

That the royal navy of Great Britain could be manned without those violations of law; those fatal consequences that are now daily exercised in the manning of it is an undeniable truth; and of all the methods that have been, or can be devised for the purpose those, contained in the proposal herein after delineated, will, it is presumed, have the greatest claim to legislative attention.

The hardships that British seamen experience, can only be equalled by their services; which are so evidently great, so universally acknowledged, as to take away the possibility of opposition to the proposal in question; or any other calculated for the benefit and future relief, of these very serviceable individuals; especially as no favour or indulgence can be extended to them in particular, by which the public

in general are not still more materially benefitted.

From the discouragements the profession of a seaman has hitherto met with, it should seem as if the importance and extraordinary merits of it were not sufficiently understood; it is therefore not improper to observe, that no profession is acquired with so many personal inconveniencies and dangers; or, when acquired, comprehends such a variety of useful knowledge.

Most other professions are confined to one single study only, and may as well be exercised by a coward as a hero, but courage as well as science, is indispensably necessary in the formation of a complete seaman.

In the knowledge of a seaman, (besides that which particularly appertains to it) is comprised a great part of that of a soldier; and an insight into a diversity of mechanic branches and manufactures, with some information of the complicated, and respectable business of a merchant.

It is, in short, the most diffusive in its branches and consequential in its effects of any calling that mortality is capable of, and as such deserves the most generous stimulus; instead of the most mortifying disattention.

In support of this claim of British seamen, to more than ordinary favour, it may be justly added, that the weight of these kingdoms, in the grand political scale of Europe, depends upon the superiority of our naval force; and that this force can by no means be continued and enlarged, but by the duration and increase of our commerce.

The former can no more be supported without the latter, than the latter can be protected and secured without the former.

From the united influence of both, it is that we derive our power and wealth; and as the power and wealth of every nation constitutes the glory of it, those who are the most instrumental in the acquisition, and preservation of this glory, are, indisputably, the most meritorious subjects in

the community ; and the most deserving public distinctions and rewards.

And, yet, as I mentioned before, this is so far from being the case with respect to British seamen, (the class of men to whose unrivalled bravery and professional skill, our private opulence and public dignity, is chiefly owing) that on the contrary they are exposed to, and actually experience such injuries in their persons, properties, and domestic happiness, as are unknown to any other order of individuals in the kingdom ; occasioned by an obstinate perseverance, in a mode of manning the royal navy, that has neither the sanction of law, justice, nor good policy to authorize it : and is besides attended with such a pecuniary profusion, as to render the abolition of it, even on this account only, an act of immediate necessity.

But these are the least material of the numerous objections to which the preceding mode of manning the royal navy of Great Britain (namely, the odious and unconstitutional one of impressing) is

liable; others of still greater magnitude may be urged against it; but the principal one is, that ends are answered by the means, in only a small degree; on the contrary, they are more frequently frustrated thereby; and such prejudicial delays, and so much detriment ensues therefrom to the public service, as is often attended with national disgrace, when national honor might otherwise have been the consequence.

Compulsion and ill usage will naturally create an antipathy, a disgust—never a cordial attachment to the service; and without cordiality and good will in the business in which mankind is engaged, (especially if of a martial nature) such exertions cannot be expected from them, as reasonably might, under different circumstances.

Experience evinces, upon most trying occasions, an uncommon display of patriotic ardor and affection, as well as courage, and maritime dexterity in British seamen, notwithstanding their peculiar

hardships ; from whence we may naturally infer, that, were these hardships removed, or in other words, were they properly countenanced and encouraged, their efforts would be greater, more efficacious still : the service of the king, as well as that of the merchant, would then be equally promoted ; one universal blaze of heroism would extend itself through both services : restored to the common privileges, the natural birth-right of Englishmen, one soul would pervade the whole body of British seamen ; and a hundred instances of marine intrepidity would in this case be exhibited, for every one that is now achieved.

Consequently the sooner a reformation is attempted, in this respect, the better ; for, it is in times of war, that a reformation therein is most necessary. In times of peace, the manning of the royal navy is attended with no great difficulty ; so that if deferred till then, it is probable legislation may be less attentive to the

business than the extraordinary merits of it deserve.

That a reformation of this kind has never yet been seriously attempted, can only be attributed to an inattention in the members of the legislature who are not *officially* concerned therein; which reformation, important as it is in national benefit, has nevertheless (merely as an official regulation) been submitted to the consideration of *only official men*, without ever having become a subject of *general* attention.

By such relaxation of attention amongst legislators, perhaps, many proposals replete with wisdom and public good miscarry, when others that have none of these great requisites, meet with a contrary reception.

It is rather a national reflection, as well as misfortune, that the maritime reform in question has been so long delayed; and at the same time, that we exceed all the world, in every other useful improvement, and rational institute, in this respect, we

should be as deficient as if our marine was of no material signification.

In every other country, seamen partake of at least a common portion of national protection : when in this, though our very independence and aggrandizement results from their superlativè bravery, and professional excellence, the generality of them cannot obtain an equal share of legal security, but are dragged away from their interests and connections, with as little remorse as if they had no human pretensions to the enjoyment of either : and with so little discrimination, that the man who has voluntarily devoted his whole life to the sea service of his country, is as liable to be involuntarily forced into it again, as he who never served therein before.

Reprehensible however, as the present mode of manning the royal navy by the means of press warrants is, it must be adhered to, until superseded by one more salutary ; and therefore those who oppose the former any otherwise than by intro-



ducing and patronizing the latter, are enemies, not friends to their country.

Bad as the practice is, it is the only prevailing one ; and as such must be pursued, until a better is substituted ; consequently impeding the effects while it continues, increases the evil declaimed against, and betrays a malevolent disposition, not a patriotic zeal. For a patriotic zeal will be employed in the accomplishment of a reform, where any abuse appears, and not in the aggravation of the abuse while it necessarily lasts.

But it is not only in the royal navy that common scamen are subject to discouragements : the merchant's service furnishes, also innumerable instances of ill usage, equally intolerable and hostile to their peace and prosperity : nothing being more common therein, than for masters of trading vessels, after their men have been so long on board as to be intitled to large payments, to have recourse to artifice and barbarity, to induce them to desert the

ship, for the sake of confiscating their wages, and preventing prosecutions on a return home, for these and other their illegal proceedings.

From the foregoing brief representation of the complicated hardships of a seafaring life, the disinclination to engage therein, especially in war time, need not be wondered at ; but by the removal of these objections, no profession would be so much coveted, as it evidently admits a greater latitude for fortunate interpositions, than any other business whatsoever.

The removal of these objections is therefore much to be wished for by every one who has the honor and interest of his country at heart, as a long catalogue of public and private benefits, <sup>would</sup> be the inevitable result.

Of course, nothing can merit attention and encouragement more than the subject here glanced at ; but an adequate idea of its unexampled importance, can only be formed by its utility and extent.

To convey a still clearer notion of this

gigantic and diffusive utility, it will not be improper to analyze the merits, and to observe on the subjects.

That the rendering the maritime profession respectable and unusually beneficial, and exempting it, both in the king's and merchants' service, from every species of injustice, would infallibly induce a great many to engage in it, who might otherwise have recourse to different employments, by which means the number of these beneficial members of society would multiply so rapidly, as at all times to afford a sufficiency both for our naval and mercantile occasions; which, exclusive of other conveniences, would save immense sums, drained from this kingdom, for the payment of many thousands of foreign seamen, that in war time are unavoidably admitted into the merchants' service.

That the instituting a marine fund, for the relief and protection of incorporated seamen, would be very attractive to the profession; as under every disaster to which it is liable, such seamen, whether in the

king's or merchants' service, would be provided with assistance, and defended from every species of ill usage of their persons and properties: circumstances that, by setting their minds at ease, would preserve their healths, and enable them to discharge their duty with unusual alacrity and effect.

That the initiating of youth, at an early period of life, into the maritime profession, and increasing their privileges and advantages, according to their extent of service, would render a perseverance therein both necessary and certain; and which perseverance would tend so much to their improvement, and enlarge their qualifications, in such a degree that we should then have scarce any other than complete seamen; whereas it is a known fact, that at present hardly one in a dozen are such.

That the enjoyment of the various benefits resultory to incorporated seamen, depending upon their readiness, when called upon by rotation, to employ themselves in the king's service, and securing

them therein from every kind of ill treatment, would remove every objection thereto, and enable the admiralty to accumulate voluntarily as many of the best of them as might at any time be wanted; which would accelerate the public service so considerably, as to render the same far more efficient than it has ever hitherto been; prevent the detriment, save the enormous expence of naval delays; the immense sums applied in war time for tenders, bounties, &c. abolish the present mode of impressing, with all its disagreeable and fatal consequences; free the nation from the reproach of our prevailing conduct to common seamen, which is so repugnant to every impulse of reason, and morality, as to degrade us almost to a level with unenlightened barbarians; and secure to, not deprive them of, the full enjoyment of the whole of those liberties and immunities, that are the birth-right and peculiar boast of Englishmen.

That enabling the merchants to man their ships, with a much greater degree of

case and expedition, in times of war, would be an object of infinite value to them: as such prejudice results to the mercantile service, from the loss of seamen, by impressing in the present mode on their going out, and the delay, as well as the expence attending the various modes of securing and obtaining others, that an exemption therefrom, and the extortion incident thereto, would of itself, be an inestimable public benefit; as the more commerce is clogged, and burthened with charges, the more imported articles cost every individual consumer.

That was the proposal in question, pregnant with no other advantages than such as would flow from this single source only, it would still deserve the most strenuous support of every virtuous individual; as the rescuing the rising generation, who are destitute of parents or support, from the snares and temptations that poverty, idleness, and ignorance, expose them to, and converting them into the most valuable members of the community, considered

either morally or politically, would be a work of singular benevolence, and genuine patriotism; and particularly laudable, because, though several attempts have already been made, none have succeeded so sufficiently as was expected.

In addition to what has been already said, a folio volume might be wrote on the impolicy of our public conduct to common seamen; and the aggravations and impositions they are exposed to, with the huge and complicated mischiefs that ensue therefrom to the state; was the whole of which faithfully related, people would be astonished at the patience with which either have been so long endured; but more particularly will the error of legislation appear in suffering a continuance; and not establishing a *general* marine police, as redundant in wisdom, in equity, as most of their other institutions are; and which is so far from being the case, in this instance, that it would puzzle an able casuist to determine, whether the weakness or injustice, of our present maritime regu-

lation; is the most disgraceful and conspicuous; but that both are glaringly so, is an incontrovertible truth; at least such of them as apply to common seamen.

For example, can any species of weakness exceed that of insulting and injuring those to whom we must have recourse, to rescue us from insults and injuries; and at the very moment they are required for these very purposes. Or that of recurring to an enormous expence to force, (an unconstitutional infringement,) to effect that which policy, without illegality, or any additional charge at all, would accomplish more amply, and at a positive certainty.

Equally unjust is the practice of compelling seamen, when their liberty is invaded, to forego ~~their~~ professional benefits also; and to relinquish no less than 30l. a year of their common earnings; there being that difference between the king's and the merchant's pay in times of war.

These instances, however, of weakness and injustice, with every other existing



complaint would be done away, and succeeded by such a judicious code of maritime institutes, as would command the admiration of the whole world, and the grateful plaudits of every virtuous member of the community, which with one more instance of its extreme serviceability, would be thereby less exposed to hostile depredations, than at this instant, by the facility of collecting the seamen of each respective district, who would compose a kind of marine militia, and be qualified to act in the triple capacity of seaman, soldier and gunner.

## ON PROTECTION AND ALLEGIANCE.

PROTECTION and allegiance are reciprocal. If these are found under a despotism, they must be merely accidental, for they have no natural connection with it. A despot is naturally lazy, voluptuous, and ignorant.\* In consequence he neglects the management of public affairs, and devolves that load on a prime minister, a creature of his own, a favorite whom "he delighteth to honor, and to whom with pleasure he communicates his greatness, and power." In the choice of a favorite he is not guided by merit, by great abilities, by integrity, by application to business; men of this description would be unfit for his intimacy. The most base, the most abject, the most vile and contemptible of men, who can flatter his vanity, suit

\* Montesq. *Espr. de Loix*, l. ii. c. 5.

themselves perfectly to his disposition, and sacrifice every thing that is sacred to his will; these are the men who gain his friendship; and having gained it, they, in order to secure it, supply him continually with new amusements, and keep him always employed in feasting, abandoned to women, and intoxicated with pleasure. If men of public spirit happen to get near the throne, the alarm is taken; the favorite trembles for his empire, prepares to repel these enemies, and assembles all the powers of earth and hell to destroy or to drive them off.

Thus Clarendon was driven from the presence of Charles II. He was a man of virtue, and loved his country; and as such was not to be endured in a court like that of Charles, nor by such a favorite as Buckingham. The favorite began with making him ridiculous and contemptible before the king, then proceeded to accuse him of high treason, and never rested till he got him banished. This had been the fate of Plato. Dionysius the younger, tyrant of Syracuse, had the curiosity to send for Plato, and for

a time heard him gladly. His favorites, his flatterers, his profligate companions, not being able to divert him from his purpose, took the garb of virtue, and turned philosophers; but at the same time uniting against Plato, as a common enemy, they succeeded in making the young monarch jealous of him, and at last procured his banishment from court, when gluttony, drunkenness and debauchery resumed their empire.\* As the favorite sacrifices to the sovereign, the sovereign is not ungrateful; but in his turn sacrifices the interest of all his subjects, and sometimes his own also, to the favorite. When Haman the Agagite was offended with Mordecai the Jew, he could not be satisfied with wreaking his vengeance on him alone, but determined to sacrifice to his resentment all the Jews scattered over the whole Assyrian empire, from India to Ethiopia; he offered to purchase them of Abasuerus; but his royal master, who knew no bounds, either to his power

\* Plut. in Dion.

or his generosity, freely gave them to him, old and young, little children and women, to be destroyed in one day. When the decree was given, and the messengers dispatched, the king and Haman sat down to drink.\* Charles IX. of France was under the influence of his mother, and her Italian favorites; to keep him in a state of dissipation, they tried in vain the powers of wine and women; for he was not to be debauched. In order to make him absolute in his dominions, or from a hatred of the protestants, or from both these motives, they determined to massacre the Huguenots; who, as being protestants, were the chief support of liberty in France. The queen-mother after decoying to Paris the leaders of that party, after causing the king to load them with favors, in order to banish their apprehensions, after having prepared every thing for the perpetration of her horrid purposes, she went to the king at ten o'clock at night, and begged leave imme-

\* Esther, iii. 8--15.

diately to murder all his protestant subjects then in Paris; with liberty at her leisure to destroy those who were scattered over the several provinces of his dominions, This liberal monarch had no sooner granted her request, than she caused the signal to be given for the massacre; immediately the dukes of Guise and Anjou flew from street to street, with their assassins, entered the houses of the protestants, murdered them in their beds, spared neither rich nor poor, neither women, nor children; and continued this carnage for seven days, till they had destroyed upwards of five thousand in the city, of which near six hundred were of the genteelest families. Though the queen found it difficult when the hour was come, to gain her son's consent, he had been all along privy to the plot, and even helped it forward by his deep dissimulation, a vice in which he gloried; and afterwards seconded this blow, by sending orders to the governors in all the several provinces, for the Huguenots to be murdered. In consequence of these

bloody orders, upwards of five and twenty thousand protestants were massacred in the provinces. I cannot help observing, that soon after this Charles was taken ill, languished for near two years, and died with blood gushing out from the pores of his skin, and from every orifice of his body.\*

We have already seen what sort of protection the subjects of Louis XIV. found, when, after the death of his queen, Madam de Maintenon, his favorite mistress, had gained the entire ascendant over him ; and when, by her advice, he had revoked the edict of Nantz, and driven eight hundred thousand people out of France. This woman spread terror through the kingdom : not contented with banishing so many families, and plundering them of their substance, she compelled the protestants who remained in the kingdom to conform to a religion which they abhorred ; she committed them to prison, sent them to the gal-

\* Mezeray Hist. de France.

lies; she caused them to be hanged, and even broke them on the wheel. Many thousands, after the first migration, were willing to give up their possessions, if they might be permitted to leave the kingdom; but she compelled them to stay in it. Her power was absolute; even the princes of the blood trembled at her frown; she disposed of every thing to her own creatures, in the state, in the army; in the navy, in the church. To support her extravagance, and their monarch's wars, the people were oppressed by a load of taxes, rendered at last so insupportable by a poll-tax, that many died of famine, while others, merely to get bread, entered into the army, and soon came to an end of all their misery in Flanders. She seemed fully to comprehend the maxim of her minister Cardinal Richlieu, that the people must be impoverished to make kings absolute. This absolute power was only exercised by Louis XIV. it remained for his grandson, Louis XV. to establish it. For this the French nation was indebted to his last mistress, who had been



a common prostitute, before she was introduced to the sovereign by court intrigues. The consequence of this introduction was a change in the ministry, a total destruction of the constitution, the banishment of all the parliaments, and the establishment of despotic power. From that fatal period the whole nation, from the peasant up to the first princes of the blood, were wholly dependant for protection on the caprice of the sovereign, his favorite, his mistress, or his confessor.

I shall pass over in silence the measures of the succeeding reign; the events of the revolution, which have taken place in that unhappy country, are sufficiently fresh to need recapitulating, so as to pain and agonize the mind with a recital of them.

If we examine the history of England, we shall find that most of our princes, who have offered violence to the constitution, who have set themselves above the laws, and who have neglected to protect the people, have had their *favorites* :

whose happiness has been dearer to them than the prosperity of the nation.

When Edward II. succeeded to the throne, he found the kingdom in a most flourishing condition. The wars of his father had been abundantly successful, and had considerably enlarged his dominions. The factions which had disturbed former reigns, were now no more ; a good understanding subsisted between the people and the crown. Edward, at the age of twenty-three, ascended the throne, amidst the acclamations of a people, who being prepossessed in his favor, had formed the highest opinion of him, and entertained the most flattering hopes, that what his father left unfinished, would be perfected by him. This opinion was too soon changed, these hopes were soon blighted. In his youth he had formed an unhappy attachment ; an attachment to one unworthy of his favor ; an attachment to one who was born to be his ruin. Gaveston, by birth a Gascon, taking advantage of his youth and inexperience, gained an absolute

ascendant over him, and abused his confidence. This haughty favorite alienated the hearts of all his subjects, and kindled in the nation a civil war, which, though often smothered, was continually bursting out, till it had consumed the chief parties in the contest. Gaveston having lost his head, was soon succeeded by the Spencers, who had the same influence over Edward, and equally abused his confidence. These new favorites, by indulging too freely their ambition first, and afterwards their revenge, rekindled the smoldering embers. So universal was the dissatisfaction of the nation, that soon after the queen had landed, with less than three thousand men, she saw herself at the head of a powerful army, while the unhappy king, deserted by all, his favorites alone excepted, was obliged to hide himself in Wales, where he could not long be hid. He was taken prisoner, deposed, confined, and soon after murdered. His son, aged sixteen, succeeded his father in the throne. This great prince being a minor, his parliament nominated

a regency, but his mother seized the government, and maintained her usurpation near four years. During this period, her favorite, Roger Mortimer, had the sole management of affairs, disposed of every thing to his own creatures, and sacrificed the interest of the nation to his own ambition.

Richard II. was very unhappy in the choice of favorites: in their support, he lost the affection of his subjects, his crown, his life. He manifested in the beginning of his reign, that his aim was not the happiness of his people, but the indulgence of his favorites, and the acquisition of arbitrary power. These servile flatterers, by their intrigues, raised a storm which burst on their own heads. Some of them were banished, and others suffered death, as the punishment of their crimes. Among these last was judge Tresilian, who had a few years before indulged his savage disposition in passing sentence, without mercy, on the unfortunate and deluded rabble who had made an insurrection at the

beginning of this reign, when above fifteen hundred suffered by the hangman's hand. This judge was accused of treason, condemned, and hanged at Tyburn.

Richard was not long before he had new favorites, and made his subjects submit to new oppressions. His liberality towards his favorites, and his own prodigality, reduced his finances, and made it necessary to call a parliament. By a proper choice of sheriffs, and by securing the returning officers in the cities and boroughs, he obtained a parliament at his devotion; but unfortunately the members were not the representatives of the people. This good-natured, this well chosen parliament, sacrificed every thing to his ambition, till at last, vesting their whole authority in a small number of commissioners, the king, twelve peers, and six commoners, had the sole government of the nation. The king being thus exalted, displayed his despotic power, not by protecting, but by plundering his subjects. Sixteen whole counties were unjustly condemned as guilty of treason; the estates of all the inhabitants were declared

to be forfeited, and the possessors were obliged to redeem them of the king. From the inhabitants of other counties he borrowed what sums he pleased. Of the money thus raised, his favorites could give the best account. While the nation was groaning under oppression, while the Scots were making incursions from the north, and the Irish rebelling in the west, his flatterers persuaded him that his subjects not only bore his yoke with patience, but esteemed themselves happy under his government. It was not long before Richard had an opportunity of seeing the difference between flatterers and friends, and that favorites are the mere echo of the sovereign's wishes. The duke of Hereford, son to John of Gaunt, landing at Ravenspur with only eighty men, saw himself, in a few days, at the head of sixty thousand men, and in a few days more in peaceable possession of a crown, to which he had no other title than that of being the deliverer of an injured people. This revolution was brought about without shedding any

blood, but the blood of Richard's ministers and favorites, who were given up to the resentment of the people, and beheaded at Bristol. A generous people looked with pity on the misfortunes which their sovereign had brought upon himself, though he had never pitied them. Considering the greatness of his fall, their resentment was turned to compassion ; forgiving and forgetting the injuries they had suffered from his favorites, they were ready to make his cause their own, and to shed their blood to purchase his restoration. If princes did but know how natural it is for subjects to love their sovereign, even at the very time they are driven into rebellion by the oppression of his favorites, they would be more indulgent than they commonly are ; more ready to listen to their complaints, and redress their grievances. The sovereign and his people can have but one interest ; though the sovereign is often blind to his common interest, the people seldom are so, and never for any length of time. The restoration of the deposed mo-

narch was, perhaps, only prevented by his sudden death.

When Henry VI. took the reins of government, the nation was exhausted of men and money, by a war which had lasted near thirty years: it was therefore of the last importance, that a good understanding should subsist between the king and people. This good understanding was destroyed by the earl of Suffolk, who brought about a marriage between his sovereign and Margaret of Anjou, niece to the queen of France: for the purchase of which alliance, he gave up Mans, and the whole province of Maine, at the very time when the nation was at war with France. This princess brought with her a love of power, not suited to the government of a free country. Assisted by her favorite, the earl of Suffolk, she soon removed out of her way the duke of Gloucester who had not approved of this alliance for his nephew. The duke of Gloucester, was universally loved and revered: the earl of Suffolk was equally hated and abhorred.



As the earl had given up for the queen one province of a country, to subdue which, this nation had been at war upwards of thirty years, the queen was not ungrateful. Soon after the murder of the duke of Gloucester, as a reward for all his services, she made this favorite duke of Suffolk, and then filled every department with his creatures.—His death made no alteration; the duke of Somerset succeeded him, whose whole attention was taken up in endeavouring to establish arbitrary power at home, while he neglected foreign affairs, till at the end of 'a thirty-eight years' war, every thing was lost in France, except Guisnes and Calais; and what was worse than all these losses, the queen had long since alienated the hearts of all her subjects, and prepared the way for that contest between the two houses of York and Lancaster; in the determination of which, the best English blood was shed. By her violence, and impolitic severity, she seated her antagonist on the throne, and brought ruin on her husband and her son.

Edward IV. being raised to the throne,

from which he had expelled Henry VI. did not long enjoy that throne in peace. He made great sacrifices to love, but not to the love of arbitrary power. His ingratitude to his friends, his neglect of the old nobility, and his partiality to his new relations, lost him a crown ; which, however, his courage and conduct soon recovered.—Edward himself was extravagantly fond of pleasure, his queen was equally fond of power. Not contented with ennobling her own relations, she prostituted the honors and employments of the state, by bestowing them on her creatures, on men in whom the nation could have no confidence, at the same time banishing from court the *ancient* nobility, and filling their places with the new. •These new favorites, being many of them pensioners to Louis XI. of France, sacrificed to him the interest of the nation ; being the creatures of the court, they encouraged the king to raise money by unlawful means, and among others by accusing the rich of treason, and then compelling them to compound for pardons, or in case of refusal

confiscating their estates. By this conduct the queen alienated the affections of the people, and made way for the revolution which happened in the succeeding reign.

On the death of Edward IV. his brother, the duke of Gloucester, easily obtained the regency. This monster, having thrown off the mask, made it evident that he aspired to the crown by sacrificing all those who could oppose him in his design. Through the assistance of those who only meant to oppose an ambitious queen, he got possession of a throne, to which we may say, without exaggeration, he waded through blood, and his way to which was made plain by the queen herself, when she unjustly sacrificed the Duke of Clarence to her resentment.

It was not possible that the crown should remain long on the head of a sovereign, who making every thing give way to his ambition, could not boast the heart of one subject. He had the parliament at his devotion, but what could *his* parliament

do for a prince who had not the affections of his people! Parliaments, when they are not the representatives of a free people, are only like the Jewish rabble, one day crying "Hosanna to the king of Israel!" the next day, "Crucify him! Crucify him!"—Richard kept possession of the crown long enough to make those repent who had put it on his head: two of these he murdered, and by the third he was de-throned. Lord Stanley, who turned the fate of the day at Bosworth, never meant to be disloyal to his sovereign, Edward V. He was disgusted with the conduct of the queen, and much offended that every thing should be sacrificed to her flatterers and favorites; he meant only to exclude her from the regency; and in this he acted the part of a good citizen. When he found, contrary to his expectation, that Richard was a traitor, he opposed him, when this traitor had murdered his royal nephew, and the duke of York his brother, Stanley held this deed in execration. When the earl of Richmond, heir of the house of

Lancaster, had promised to marry the princess Elizabeth, heiress of the house of York, and met the usurper in the field, Stanley proved, that together with the keenest resentment there may be the firmest loyalty, by giving victory to the earl of Richmond, and placing the crown upon his head in the field of battle.

Henry VII. obtained the crown by the swords of the house of York: this he felt to be such an injury, that he never could forgive them: he treated them as his only enemies, till at last he made them so. Having accepted the crown in the field of battle, from that time he acted as king. In October following he was publicly crowned; in November he met his parliament, and caused the crown to be settled on him, and on the heirs of his body.—Though the crown belonged of right to Elizabeth, he would not suffer her to be named in the Act of Settlement, nor marry her till the next year; nor would he permit her to be crowned till the latter end of the year after.—The only pursuit of

Henry, during the whole course of a long reign, was to plunder and oppress his subjects, in which he was well seconded by his two ministers and favorites, Empson and Dudley. It seemed as if his highest ambition was to alienate the affection of his subjects. In this he succeeded so well, that his reign was often disturbed with insurrections and rebellions. By keeping the last male heir of the house of York close prisoner in the tower, and finally cutting off his head, he contrived to secure a throne, which he felt was continually trembling under him. •

He lived unregarded, he died unlamented. In the reign of Henry VIII. despotism was in its meridian glory.—This sovereign, considering that he himself was every thing, and his subjects nothing, put no value on their persons, their property, their consciences, or their lives; whom he would, he slew, and whom he would, he suffered to live. When he chose to delegate his power, he took the beggar from a dung-hill, raised him suddenly to the pinnacle

of honor, and as suddenly cast him down. His father's favorites he sacrificed to the resentment of the people, his own favorites were sacrificed in their turn, but then it was ever to gratify his own resentment. Henry giving himself up entirely to his pleasures, soon dissipated the treasure which had been collected during the former reign. The management of his affairs he left wholly to his favorites ; the first of these was Wolsey, who, while he seemed implicitly to obey, exercised the most absolute dominion, and made every thing give way to his own ambition. During his administration, no war was undertaken, no peace concluded, no alliances entered into, but with a view to his own private interest.—Happy enough in being able to please his sovereign, it was a matter of little consequence to the favorite what became of the nation and its interests. His insatiable avarice and ambition made him seize on all church preferments. That he might with the greater ease plunder the subjects, he created a new court, and as

legate presided therein by deputy. The jurisdiction of this court extended to the life and manners of the people, and to all matters of conscience. A wide field this for avarice to range in. The love of Henry to him, was only less than the love of women. This proud favorite was permitted with impunity to sell the nation; but when he trifled with his master's passion for Anne Bullen, he brought swift destruction on his head. Aiming at the papal crown, he bid too high for the emperor's interest in the conclave, when he spent out the process for Henry's divorce from Catharine. If he could have brought himself to offer one sacrifice to his sovereign, he might have reigned in his affections, and the whole kingdom would have continued at his disposal. His ambition alone had united the emperor and Henry against France. When that kingdom was ruined, Wolsey, twice disappointed of the papacy, was determined to take vengeance of the emperor, and therefore made England and France unite against him; but his ambition blunted



the edge of his resentment.—Wolsey, who had been long “accustomed to the intricacies of a crooked and insidious policy,” wished to let the emperor see what he had to fear; but at the same time he was very unwilling to make the breach irreparable. Between his resentment and ambition, he was perplexed, and could not determine which to gratify. In this suspense he was irresolute; sometimes he inclined to take revenge, and pushed the divorce; at other times ambition prevailed, and made him tardy: between them both, he fell; grasping at too much he lost all. To carry on this war against the emperor, he issued out commissions in the king’s name, to buy the sixth of every layman’s goods, and a fourth of the clergy’s.—The kingdom being alarmed, the king disclaimed the commission, and declared that he meant only a benevolence; but this being only another name for a tax to be levied without consent of parliament, the ferment increased, and a rebellion broke out in Suffolk; the king gave way, and the re-

bellion did not spread ; but soon after this, new oppressions excited fresh disturbances ; and the several rebellions which broke out in Lincolnshire, in Yorkshire, and afterwards in Cumberland, would have been very formidable at other times, and in other circumstances ; they served however to shew that Henry had lost the affections of his subjects, though they did not produce a revolution. His keeping up the forms of the constitution, was an insult on his subjects, while he made his parliaments ridiculous, contemptible, odious, intolerable, the instruments merely of violence and oppression. When he thought the duke of Buckingham had lived long enough, why did he not have recourse to the bow-string ? Why involve his parliament in the guilt of shedding innocent blood ? Why did he not send a sleepy potion to his queen Anne Bullen, when he had fallen in love with Jane Seymour ? Why did he not open the veins of his favorites, when he was weary of them ? And why did he not order off the heads of the earl of Surrey,

the duke of Norfolk, the marchioness of Exeter, and the countess of Salisbury, by his own authority? He chose rather to triumph over his parliaments, and make them pass bills of attainder, without bringing the parties to trial, or attempting to produce any proof against them. He should have been satisfied to exercise the authority with which his parliament had invested him, when they settled the supremacy on him, and passed the six articles of religion, as by the former of these the lives of all the Roman catholics, and by the latter the lives of all the protestants, were wholly at his mercy. Henry did not wish to reign in the hearts of his subjects;—the principle of his government was fear;—he was a despot.

The short reign of Edward VI. was a reign of great confusion; in the former part of it, his uncle, as protector, usurped an arbitrary power; in the latter part of it, the protector was supplanted by the earl of Warwick, and lost his life upon the block, as the earl of Warwick did himself

in the succeeding reign. The insurrections in this reign arose partly from the change in the national religion, but chiefly from the oppressions which the poor met with from the rich by their inclosures. The restless ambition of the earl of Warwick proved his ruin. By marrying his son to lady Jane Grey, and procuring an assignment of the crown for her, he hoped to be continued in the protectorship, which he had seized; but his tyrannical disposition made him hated and abhorred by all ranks of people.—His abject soul sunk at the first appearance of difficulty, and he himself proclaimed queen Mary.

Queen Mary trod in the steps of her father, and wrote the annals of her reign in blood. Her last proclamation shewed how fit she was to be trusted with despotic power, how much she loved her subjects, how ready she was to protect them, and what pains she took to secure their allegiance. In this proclamation she declared, "That whoever had any heretical books, and did not presently burn them,

without reading, should be esteemed rebels, and executed without delay by martial law." In her short reign, there was only one insurrection; this was raised by Sir Thomas Wyatt, a Roman catholic. He dreaded the queen's marriage with Philip, who, being a Spaniard, made the English fear lest he should introduce the inquisition and arbitrary power. Their fears were not without foundation; for he did this afterwards in the Netherlands.

Queen Elizabeth had some title to arbitrary power, by that argument which would prove absolute monarchy to be the best government, as that by which God himself governs the universe, because she partook of his wisdom and goodness;\* yet no sovereign ever yet made a more temperate use of power, considering the peculiarity of her circumstances.—When she ascended the throne, she found a blood-thirsty religion established in the kingdom; she had been witness to the devastation it had made,

\* Locke on Government.

and knew that nothing less than the extirpation of the protestants would satisfy its votaries. She had a formidable rival in the person of Mary, queen of Scots, who was of this sanguinary religion : and no contemptible adversary in the person of the pope, who being the head of this religion, was acknowledged as the universal sovereign, and the great disposer of kingdoms. There was no way for her to stop the effusion of human blood, but by changing this religion ; for *this religion cannot tolerate* ; neither was there any other way for her to provide for the security of her own person, and the allegiance of her subjects. In the eleven first years of her reign, not one papist was persecuted for his religion ; but after pope Pius V. published his bull, absolving her subjects from their oaths, and their allegiance ; after many conspiracies had been formed, and frequent attempts had been made by catholics and jesuits to assassinate her, with a view to seat Mary on the throne, no wonder that she should contract the bounds of toler-

ation; yet for ten years after this, not above twelve priests were put to death, and most of those for treason.\*

The massacre of Paris; the league formed in France, for the extirpation of the Huguenots, with the duke of Guise at the head of it; the assassination of Henry III. the ravages made by the religious wars in France; all conspired to make the queen every day more jealous of the Roman Catholics. When, therefore, they professed to owe her no allegiance, and acted agreeably to this profession, they had no right to expect protection. Considering her circumstances, it is by no means to be wondered at that she should "at times carry the prerogative as high as her most arbitrary predecessors."† Such times, such circumstances, required a dictator; yet with less than a dictator's power she contrived to keep peace for near half a century, her wisdom and moderation supplying the place of power. During this period trade

\* Camden, p. 649.      † Blackstone, iv. 423.

flourished, riches increased, the laws were duly administered, the nation was respected abroad, and the people happy at home.\* She chose for her ministers, Sir Nicholas Bacon, and Cecil lord Burleigh, men of the greatest abilities, and undoubted integrity. She sought men for places, not places for men. She was a remarkable economist; she loved her people, she studied to please them, and lived upon the best footing with her parliaments. By this means she reigned in the hearts of her subjects, and was sure of their allegiance. Every one who is acquainted with the history of Europe during her reign, must be struck with the happiness of the English under her wise and equitable government, and the direction of her able ministers, contrasted with the misery either of the Scots, under the arbitrary government of Mary and her *paramours*; or of France, under Charles IX. his mother and her *favorites*; or of Spain, and the low countries, under

\* Blackstone, Comm. vol. iv. p. 433.



Philip and his *priests*. In all these we find neither protection nor allegiance, but the most destructive civil wars, and horrid carnage of the human species.

James I. was by no means qualified to wield a despotic sceptre. He had the misfortune to be not only weak in his understanding, but obstinate in his disposition, fond of flattery, and attached to his favorites. He had the most extravagant ideas of his prerogative, and was impatient of controul. From hence arose his love for the Roman catholics, and his hatred to all other non-conformists. In the choice of favorites, he was not determined by great abilities, for he needed not advice, he was attracted solely by the beauty of the person ; every thing else he had power to give.— His first favorite was Robert Carr, a Scots gentleman, about twenty years of age, whose beauty struck the king ; for of all wise men living, says Lord Clarendon, he was the most delighted with handsome persons and fine clothes. The king soon created him earl of Somerset, and in the

space of five years, this favorite accumulated more than 200,000*l.* in money, plate, and jewels, besides nineteen thousand pounds a year in land. After he had been condemned for the murder of Sir Thomas Overbury, the king granted him four thousand pounds a year, reprieved him from time to time, and finally pardoned him. This favorite, after he had reigned five years without a rival, was supplanted by George Villiers, a young gentleman of small fortune, but handsome and elegantly dressed, who, though no sailor, was soon made high admiral, and by degrees gained the sole and absolute disposal of every thing at court. He was afterwards created duke of Buckingham. The king having alienated most of the crown lands, had recourse to unconstitutional methods of raising money; aids, benevolences, loans, monopolies, sale of honors, fines, and compositions. To render his government complete and uniform, this wise king quarrelled with his parliaments, and imprisoned their members. Not contented with this, he

harassed and oppressed his subjects, by means of the star-chamber, and high commission court. Wholly occupied in gratifying his favorites, and establishing an arbitrary power, he neglected the interests of the nation, or sacrificed them to his avarice or ambition.

Charles I. having the same views, the same pursuits, the same favorites as his father, trod in the same steps, till he met with an untimely fate.—His murderer, not having even a shadow of title to the crown, could not expect allegiance; had he lived, he must have been a tyrant; “fire would have come forth from this bramble, and would have devoured the cedars of Lebanon.” \*

Charles II. was not qualified to govern a free people. He loved pleasure, he hated business. Incapable of friendship, he had not one favorite, but he had many creatures. Surrounded by his mistresses, and most abandoned debauchees, he led

\* Judges i. x.

a dissipated life, and squandered away the immense sums granted him by parliament. While Charles was given up to pleasure, others laboured for him ; at the head of these was the duke of York his brother, who being a bigot, wished to make the king absolute, that he might establish the Roman catholic religion in England ; while the king, who was no bigot, could wish only to introduce the Catholic religion, that he might establish arbitrary power.

Father Orleans, the jesuit, acknowledges, that the design of the court, from the beginning, was to make the king absolute ; and king James II. in his manuscript history, preserved in the Scots collection in Paris, confesses that the design of the *cabal* was to change the national religion, and establish popery. Charles was a pensioner to Louis XIV. and betrayed his country to that restless monarch. All Europe was astonished to see England, without provocation, and contrary to her interest, assisting France

to overrun the Netherlands, and swallow up the Dutch. The mystery is now perfectly cleared up by the above-mentioned manuscript ; from which it appears, that as a recompence, Louis was to assist Charles, in overturning the constitution, and changing the religion of his country. To defray the expences of this war, the king, hoping he should never have occasion to meet his parliament again, shut up the exchequer.

Louis, in one campaign, took sixty-five places, subdued the greatest part of the united provinces, and was proceeding to invade Holland with one hundred and fifty thousand men, when they opened their sluices, and laid the country under water. The combined fleets could have transported any of these troops to England, had the king of France been sincere in his professions, or faithful to his engagements ; but Charles found that he was betrayed by that perfidious monarch ; and therefore, after two years' intermission, assembled his faithful parliament : however, being

offended at the remonstrances he met with, he soon dissolved it. The three last years of his life, his affection for his brother made him afraid to meet a parliament: during this period, all seemed to go on smoothly; at the end of it, he determined to change his measures, but sudden death prevented him. That he was unhappy, and meant to change his measures, is now rendered indubitable by his brother's manuscripts; and that he designed to exclude his brother, and substitute his son, is not unlikely. If this king ever had one wish for the happiness of his subjects, it must have been in the last moments of his life; and if he ever reigned in the affections of his people, it must have been in the first days of his accession to the throne.

James II. Subjects are so much inclined to have a good opinion of their sovereign, that even James was beloved in the beginning of his reign. His solemn declaration made at his accession, and often repeated, that he would "pre-

serve the *government*, both in *church* and *state*, as it was then by law established," gained him unbounded confidence with his too credulous parliament; whose heedless and inconsiderate liberality, in settling an annual revenue, of more than two millions on him for life, made him independent of his people. He never promised to preserve the *religion* of the church of England, as it was then by law established; though his parliament, as it appears, understood him so, for they did not know that he was a jesuit.

The duke of Monmouth having prematurely excited a rebellion, was soon defeated, taken, and beheaded. Lord chief justice Jefferies was sent into the west of England, to try the unhappy prisoners, where he had an opportunity of gratifying his savage disposition, by hanging above six hundred men, \* and setting up their quarters in the highway. Such as could pay him well, he released. For this ser-

\* Bishop Burnet, p. 648.

vice, he was made lord chancellor, and baron Wem. This severity had very happy effects ; it prevented the nation from spending its strength in frequent and ineffectual insurrections ; at the same time, it opened the eyes of men, to see what government they had to expect, and in the great national effort in 1688 produced vigour, unanimity, perseverance, and success.

The king felt himself too deeply interested in his designs, not to be his own minister. His chief favorites were judge Jefferies, and his holy confessor, father Petre, the jesuit. All such as favored his designs of establishing popery, and arbitrary power, were well received at court ; all others were turned out from their employments, and looked upon as enemies. But this was not enough, he must have an army devoted to him ; to accomplish which, he assumed the power of dispensing with the observation of the Test Act in his catholic officers ; and when this was contested by the commons, he



hastily prorogued them ; and compelled the judges to give it as their opinion, that the kings of England had a power to dispense with the laws. Four judges, who would not give this as their opinion, were turned out, and their places were supplied by men who were tractable. The clergy finding that all places of trust were filled with papists, and that the king was new-modelling his army, took the alarm, and began to alarm the people, by preaching faithfully against the errors of popery. To prevent this, the king commanded the bishops to prohibit their clergy from preaching on the controverted points, and at the same time, took care to restrain the press ; while the Roman catholics had free liberty to preach against the protestants, and publish their books over the whole kingdom. To awe the bishops, and restrain the clergy, James erected a court of ecclesiastical commission, composed of bishops and laymen, catholics and protestants, with judge Jefferies at their head, to determine all matters of

doctrine and discipline. Thus did the king open the eyes of the clergy, to see the extravagance of their former doctrine of passive obedience and non-resistance, with which they had most unaccountably entangled and perplexed both themselves and their congregations.

Above all things, it was necessary for the king to have the parliament at his devotion, till the army should be modelled to his mind; he therefore closetted the members; but to no purpose, they were protestants, and could not assist him in establishing popery; they were too discerning not to see, that, having an independent revenue, he wanted only an army at his devotion, in order to render himself perfectly independent of them. As he could not gain them, he dissolved them, and set about procuring a new parliament. That he might have one to his mind, he displaced the protestant lord-lieutenants, and put in Roman catholics; he deprived many corporations of their charters, and granted new ones on his own terms; he

sent his emissaries to canvass the counties and corporations, by money, promises, and threats ; and even made a progress himself, with the same view, through many counties ; but, after ail, he dared not to call a parliament ; and therefore applied himself wholly to the strengthening his army with Roman catholics and foreigners. Though the king had forfeited the affections of all his subjects, who either valued liberty, or deserved it, he received the most flattering addresses from every part of the kingdom, which to him expressed the real sentiments of his people : while their universal rejoicings on the acquittal of the seven bishops, who had been confined to the Tower, for presenting a very humble petition to the king ; these universal rejoicings only testified the discontent of a few factious and obstinate protestants ! It is certain that, notwithstanding the frequent mortifications the king met with, he indulged, to the last moment, a presumptuous confidence on the affectionate

zeal of his Roman catholic subjects, the absolute dependance of non-conformists on himself alone for protection, the passive obedience of churchmen, and the assistance of France, in case of need. He was confirmed in his fatal security by the army, which he had encamped on Hounslow-heath, ready to act upon the most sudden emergency in any part of the kingdom. To encrease his security, a son was born to him. It was not possible for him, in all these circumstances, to conceive, that in less than six months, he would be dethroned, and driven from his kingdom, to be an unwelcome guest in France, betrayed by his confidant, his minister, his first convert, the earl of Sunderland; forsaken by his friends, deserted by his army, and pitied only by those who knew his private virtues, for public he had none; and that this revolution would be accomplished, without shedding one drop of blood. Yet, all this happened to this cruel, insincere, and treacherous bigot, who neither loved his

subjects, nor was loved of them ; who neither protected them, nor found allegiance from them.

Thus the storm which had been rising during the reign of James I. burst upon the head of his infatuated son. And though Charles II. stemmed the torrent for a while, it continually, yet silently, gathered strength, till, in the reign of James II. it became irresistible, and, when least expected, carried all before it.

Succeeding princes have confirmed the observation, that protection and allegiance are allied. They have been as happy as men are capable of being, and have studied the happiness of their subjects. They have been contented to reign over a free people, and have seen *that people* growing continually in wealth and in power, the happy fruits of freedom. They have preserved not merely the *government*, both in church and state, but the *religion* of the church, and the government of the state, as by law established ; and withal have given, even to the Roman catholics, as free

an exercise of their religion, as is consistent with the safety of the state: and no doubt would have enlarged that toleration, if the catholics had not acknowledged a superior allegiance to a foreign power.

Wherever the government is a long established despotism, there the sovereign, shut up in his seraglio, seldom makes his appearance, either to protect or injure his subjects.—In such a government, I have said, the lowest are exalted, and have the disposal of every thing. Thus it was in Egypt. Pharaoh had it in his power to take a stranger, one who had been sold for a slave; and to say, “I am Pharaoh, and without thee shall no man lift up his hand or foot in all the land of Egypt.” For once he made a happy choice; had it been otherwise, there was none that could stay his hand, or say unto him, What doest thou? Thus it has ever been in the eastern governments; slaves and eunuchs rule in the courts of the prince, and in the palaces of the great. Thus it was in the Roman empire, where favorite slaves were

first made free, and then governed the emperors. Pliny makes mention of a freedman of the emperor Claudius, who was worth seven millions of gold, who but a few years before had left his village with his feet naked, and whitened with the chalk with which they marked their slaves.

If the sovereign has an exalted love of mankind, in this case he will seek the most able ministers to assist him in the government of his subjects: such was the conduct of Elizabeth.—If the despot has an inclination to contract strong friendships, like Henry VIII. he will be greatly governed by a favorite; if he is not disposed for friendship, but loves society and pleasure, like Charles II. he will be guided by his mistresses: “but where neither the love of mankind, nor the passion for favorites, prevails, the tyrannical temper fails not to shew itself in its proper colours, and to the life, with all the bitterness, cruelty, and mistrust, which belong to that solitary and gloomy state of uncommunicative and unfriendly greatness.”

Examples of this are to be found in the annals of every nation. Where the despot is unsociable, morose, and superstitious, he will offer human sacrifices to his God. Such was Mary—and such most likely would have been James II.

If the despot is not a native of the country which he rules, (as is the case in France at this day) strangers are brought in, and overrun the country like caterpillars and locusts, to eat up all the good of the land. The native inhabitants are turned out from all places of trust or profit to make way for them. Such was the conduct of William I. who dispossessed the English of all the baronies and fiefs of the crown in general, and distributed them to the Normans, to whom he had before given all places of trust, and such estates as he had Taken from the friends of Harold.—Thus the Tartar princes acted, when they had conquered China.—In these cases, the conduct of the despot may be attributed to his partiality for his own countrymen; but in other instances, this practice arises



from jealousy, as in Denmark. Since the time that the Danish sovereigns have become despotic, it has been their maxim to oppress the nobles, to reduce them to poverty, and to employ only foreigners, and men of the lowest station and education, as being most compliant, and most easily sacrificed to the avarice of the sovereign or resentment of the people. \*

While treating of protection, I have occasionally, and indeed unavoidably, been led to speak of allegiance; but I must say something more upon this subject.—Philosophers and politicians tell us, that absolute princes are in a state of *nature*, with respect to those who are under their dominion: because, wherever *any* two men are, who have no standing rule and *common* judge to appeal to on earth, for the determination of controversies of right between them, there they are still in a state of nature; † that a state of nature is a state

\* Lord Molesworth's account of Denmark.

† Locke on Government, b. ii. 90, 91.

of perfect equality, wherein all power and jurisdiction is reciprocal. \*—If this be true, then to a despot no allegiance is due. If this were universally acknowledged and considered, we should see at once the reason why, “according to the experience of all ages, the security of the despot diminishes in all proportion as his power becomes boundless and immense.”

But the generality of men are not philosophers, nor are they governed by syllogisms. They are moved by something less speculative than arguments. Whenever men experience that “to live by one man’s will, becomes the cause of all men’s misery,” † they feel that allegiance is no longer due, and act as in a state of nature. No man has expressed himself more clearly on this subject, and indeed on every subject, on which he treats, than judge Blackstone. He demonstrates (if I understand him right) “that a prince

\* Locke on Government, b. ii. 4

† Hooker’s Eccl. Polity.

assuming despotic power is in a state of nature, with respect to those who are under his dominion; for that there is no stated law or express legal provision between the oppressor and the oppressed; but that the *prudence* of the times must provide new remedies upon new emergencies;" and then he adds, "indeed it is found by experience that whenever the unconstitutional oppressions, even of the sovereign power, advance with gigantic strides, and *threaten* desolation to a state, mankind will not be reasoned out of the feelings of humanity; nor will sacrifice their liberty by scrupulous adherence to these political maxims, which were originally established to preserve it. And therefore, though the positive laws are silent, experience will furnish us with a very remarkable case, wherein *nature* and *reason* prevailed." He then gives the case of James II. and proceeds, "where both *law* and *history* are silent, it becomes us to be silent too; leaving to future generations, whenever necessity and the safety

of the whole shall require it, the exertion of these *inherent, though latent powers of society, which no climate, no time, no constitution, no contract, can ever destroy or diminish.*" \* I cannot help observing, that in all the authors I have ever read on this subject, I never met with so beautiful a period.

Despotism is the most simple, and most obvious form of government ; while such a form of government as is free, and yet permanent, requires either a Grecian law-giver to introduce it into a city, or infant empire, or else requires a length of time, and many propitious accidents, to form and perfect it : when, therefore, the people feel themselves oppressed, under the dominion of a despot, they dethrone him, but most often put another in his place. Thus in China, a family seldom reigns beyond the third or fourth generation ; " because the palace is at variance with the empire, and a lazy set of fellows, who

\* Blackstone, vol. i. 215

dwelt there ruin the industrious part of the nation." \* If the people are prevented from revenging the wrongs they suffer, it must be by an armed force; in this case the despot may be a slave himself, in the midst of his own palace, and surrounded by his own guards, as appears to be the situation at present of the Corsican usurper.—And thus the janizaries of Constantinople, like the prætorian bands in Rome, being masters of the sovereign's person, make him tremble on his throne, and depose, or exalt him, at their pleasure. The sovereigns of Europe who are establishing despotic power, seem to be more cautious and circumspect; they divide their troops under different commanders: but when we come to treat of the stability of empires and foreign conquests, we shall see clearly, I trust, after all, that no throne can ever be permanent, where the sovereign does not

\* Montesquieu *Espr. de Loix*. l. vii. c. 7.—l. viii. c. 21.

reign in the affections of his subjects ; for that, universally, protection and allegiance are allied ; and that where the sovereign studies the happiness of his people, as does our good and gracious king, their love to him will be stronger than death.

## ON CONFIDENCE AND JEALOUSY.

UNDER a despotic government there must be a state inquisition. The few, having a separate interest from the many, must be always on the watch, prepared to nip every conspiracy in the bud, and to quench every spark the moment it appears, knowing that the least delay may cause a general conflagration. The despot must not enquire, if guilty or not guilty, but must at all events secure his own repose, by confining, by banishing, or by cutting off, all suspected persons. To discover these, spies are employed, and informers are encouraged, by the state inquisitors under all despotic governments. These infamous wretches were in great esteem under the worst of the Roman emperors, and had public marks of honor conferred on them by Nero and Tiberius. The in-

quisitors of Venice not only watched the nobles, lest any one should seize the sovereign power, but, distrusting their own subjects, they observed them with a jealous eye. Nor does the French government act towards its subjects with candor, frankness, and confidence ; but evidently betrays fear and suspicion, by employing spies to mix in every company. In a country where the subjects are looked upon as enemies, we must expect to see state prisons inaccessible to all, but the unhappy victims of the despot's jealousy. Here, secluded from the joys of social life, they pass their days in solitude and silence, without ever seeing, for a moment, one sympathizing friend, or hearing the voice of comfort. The pious Christian, urged by the benevolence of his heart, and mindful of these words, " Come, ye blessed of my Father, inherit the kingdom prepared for you, from the foundation of the world ; for I was hungry and ye gave me meat, I was thirsty and ye gave me drink, naked and ye clothed me, I was sick and ye visited



me, I was in prison and ye came unto me:" the pious Christian, mindful of these words, seeks admittance, that he may administer to the wants, and shed the sympathetic tear over the distresses of his fellow creatures: he seeks admittance, but he seeks in vain. Here nothing is heard but groans, and the rattling of chains, excepting once in four-and-twenty hours, the grinding of the hinges, when the gaoler brings the portion of bread, and the cruse of water. Here nothing strikes the eye but wheels and racks, and instruments of cruelty, to terrify the imagination of the prisoner, and to extort from him the names and number of those who had conspired with him, to recover their lost freedom. Here the prisoners must remain till a change of administration, the despot's death, or some other accident, brings the year of jubilee.

In a country which abounds with spies, there can be no free conversation. Every man is fearful of his neighbour; universal jealousy and mistrust prevail; and man,

who is the most sociable of all animals ; man, who seeks society that he may communicate his thoughts, must be condemned to perpetual solitude, even in the midst of company, and in the capital feel more lonely than in the wilderness. This is very striking to every one who has travelled through France, and mixed with the middle class of people. If they appear in any respect contemptible, their government must have been to blame. If a lively, high spirited people, dared not to think, and dared not to speak, what remained? In the cities you might have sat down at their table d'hôte, and never hear one word spoken. At these ordinaries in Paris, the human voice has not been heard during the whole time they have been together. Every man had his bread, wine, and water put down to him ; when he dined, he rose up, went to the bar, paid his half-crown, and went away in silence. Not having opened his lips, it was impossible that his words should have *been*, construed into treason. In high life they

were less restrained ; but, in order to enjoy free communication of thought, they avoided mixed companies, and formed themselves into societies, bound together by the sacred ties of honor. Here let us pause, and speculate within ourselves whether Louis XVI. was a tyrant ? If not, why was the revolution effected in such a sanguinary and barbarous manner ? why has revolution succeeded revolution ? but to place an upstart usurper in the bed of his murdered sovereign ! to devastate nations ; and to entail misery and destruction on that ill-fated, unhappy land.

Neither Louis le Grand, nor any of his predecessors of the most despotic sway, ever ruled that land with more peremptory mandates than the mock majesty of its self-created emperor. Happy would that land be, if the present ruler was no more tyrannous than Louis de Seize ; the volatile bombast of France would flow in its proper channels, and that restless people would have exercised themselves in pursuits less

injurious to liberty, and the real happiness of the nation.

The genius of the inhabitants is best suited to obedience ; and, abstracted from tactics, the whole body of the nation will ever agree with the dictatorial voice of authority, let its seat be vested in whom it may.

The Dutch, Flemings, and Italians, were dragooned into a mock federation, which, in the grand theatre of reform, (France) was new modelled no less than six different times, and probably wants as many more emendations before it can be said to be on a basis suited to the actual exigency of a regular civil government.

Will any man deny the providence of the Almighty, in upholding and sustaining every community where humanity and true philanthropy pervade? States and kingdoms are so many families in the sight of him who rules the world: nor will he suffer the murderous innovations to go unpunished ; the time is not far distant when the scourge will be applied to the *guilty land*, and

extirpate those who have not yet atoned for their atrocities.

But to resume. In the Venetian territory, they were still more reserved. If a foreigner was desirous of knowing the nature of the government, and addressed himself for that purpose to a subject of the Venetian state, he would not have been able to procure an answer.

From the same prevailing jealousy, the press must not be free, because the people, having lost their liberty, must be kept ignorant of their privileges, and bound with the chains of darkness. Indeed this would be a great kindness to them, were it impossible for them to gain their liberty; for happiness depends not much upon comparison. The bird that is quiet in his cage, instantly testifies his uneasiness, when he sees other birds at liberty.

As long as the generation lasts which has enjoyed the sweets of liberty, so long the remembrance of that liberty will embitter present bondage; the description of the father will make a deep impression on

the son : but in succeeding generations this impression will wear off, provided no lively descriptions are left upon record, or come transmitted from those who in happier spots enjoy the charms of freedom. It is merciful, therefore, and politic, in despots to restrain the freedom of the press.

Could we give Louis XIV. credit for any benevolence of heart, we might imagine it possible that his reason for offering assistance to the prince of Orange, and James II. to make the former absolute in the united provinces, and the latter absolute in England, was partly from a principle of compassion to all the other empires of the world ; that, not seeing any one example of a free government, they might look upon the descriptions of the ancients as the fictions of poets, and the dreams of madmen. But we cannot give him credit for such exalted sentiments of humanity ; he meant only to rob these nations of their liberty, that his own slaves might more patiently bear his yoke. Can we think, but with abhorrence, of a man who en-

deavours to put out the eyes of a whole nation, and inflicts the greatest cruelties on those who would restore them to their sight? But the despot has other thoughts: he persuades himself that the whole nation is his property, and the inhabitants his slaves; that he does them no injury: he is persuaded, that to open their eyes, to show them the charms of freedom, and to persuade them that it is their birthright—the despot persuades himself that this would be stirring up his subjects to rebel, and his slaves to throw off the yoke; he therefore will not suffer any book to be published in his dominions, until it has been examined and duly licensed by persons receiving authority from himself for that purpose.

This restraint upon the press must of necessity stop the progress of literature: but under a despotic government this is no great evil; for between despotism and the sciences there is so little agreement, or rather there is such an irreconcilable enmity, that it would be well they should never

meet. The yoke of despotism depresses and debases the human mind, while the sciences ennoble and exalt it. It is the interest of the despot, therefore, to keep the sciences at the greatest distance. Leo X. little thought what he was doing, when he encouraged men of science; but he was young, of a lively imagination, and of a refined taste; and to these he sacrificed the despotic power of the Roman see. Before his time, persons of the highest rank, and in the most eminent stations, could neither write nor read. Many of the clergy did not understand the Latin breviary, which they were obliged daily to recite; some of them could scarcely read it.\* Blessed times for despotic power! From the time of Leo X. the minds of men, enlightened by science, enlarged by observation, and strengthened by exercise, began to entertain a more just opinion of the dignity and rights of human nature; all felt the yoke; many cast it off.† Under a despotic go-

\* *Robinson's Charles V.* p. 22.

† *Blackstone*, vol. iv. p. 434.



vernment, only one book should be allowed, and that the subjects should never read. Slaves under a despotic government have no need of books; their minds should be conformed to their condition.

Under a free government, the press is free; that is, men have the same liberty to communicate their thoughts by writing as by speaking; being at the same time accountable for what they publish, whether by printing or by word of mouth. Freemen do not claim a right of dragging private characters to the bar of the public, where the accusér is not bound to prosecute, where he is not confronted with the accused, and where the witnesses are not examined upon oath; but freemen claim a right of examining public measures, and of descanting to a certain degree on public characters, where the facts are of public notoriety. This is the share of government which free citizens have reserved to themselves; and certainly it is a moderate share. The executive power of the state is in one person, the legislative in many;

but all have a right to judge whether the legislative and executive powers are exerted with wisdom and justice. In a free state, says judge Blackstone, what the people cannot do by themselves, they do by their representatives; certainly then there is no need that they should do that by representatives, which they can do better by themselves, at least more to their satisfaction, that is, to descant on public characters and public measures; and indeed they alone are able to describe their own feelings and opinions. As this privilege is claimed and enjoyed by every proprietor in all trading companies, so it is claimed and enjoyed by all free citizens in a free government.

Under a free government the citizens have arms. Judge Blackstone says, in vain would the rights of Englishmen be declared, ascertained, and protected, by the dead letter of the laws, if the constitution had provided no other method to secure their actual enjoyment. It has, therefore, established certain other auxiliary subordi-

nate rights of the subject, which serve principally as barriers to protect and maintain inviolable the three great and primary rights of personal security, personal liberty, and private property. The last of these is the right of having arms for their defence, suitable to their condition and degree, and such as are allowed by law, which is also declared by the same statute, 1 William and Mary, c. 2, and is indeed a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression.

In a free government this degree of confidence is *safe*, because this government being instituted for the protection and benefit of all, it is the interest of all to preserve it in its purity and vigor. In a free government this degree of confidence is *just*, because men by entering into society, can never be supposed to give up

the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression. In short, the language of queen Elizabeth is the language of all free governments: " I can never believe any thing of my people, which a parent cannot believe of his own children:" while, on the other hand, " the slaves of despotism can have no confidence in the ruler, and therefore the ruler can have no confidence in them."

## ON THE STABILITY OF EMPIRE.

WE have already considered the instability of the throne under the Roman emperors, and the Turkish sultans ; the former being often deposed and murdered by the pratorian bands, the latter by the janizaries. The emperors of China are not more securely seated. Such is the weakness of that government, and so little affection have the subjects for their sovereign, that the leader of a successful gang of robbers, marching to the capital, is able to dethrone the emperor and take his place. \* Baron Montesquieu well observes, that “all our histories are full of civil wars without revolutions, while the histories of despotic governments abound with revolutions, without civil wars.”

\* Montesq. l. viii. ch. 21.

If abuses have crept into a free government, men of rank, men of fortune, men of principle, may step forward and expostulate, and their expostulations will often be sufficient to obtain redress; but, supposing they expostulate in vain, and that they are obliged to have recourse to arms, they take the lead, they keep their object in view; and, knowing that it is not their interest to subvert the government, they seek only a redress of grievances, and hasten to a reconciliation. In a despotic government, men of rank and fortune dare not step forth, because they would be instantly sacrificed to the blind resentment of the despot; the people, therefore, take the lead; none but the most violent counsels are listened to; each hurries on the other to take revenge, rather than to seek redress, till, excited to the highest pitch of fury, they destroy, not only the persons, but the very mansions of their governors. We had a sad instance of this in the late revolution of France. Virgil's description of Polypheme

is applicable to an enraged people, hurried away by the brutal passion of revenge—

*Monstrum horrendum, informe ingens; cui lumen ademptum.*

In order to defend themselves from the blind fury of this monster, despots have had recourse to standing armies and foreign mercenaries; and to secure themselves from these, the princes of Europe have multiplied their forces, and separated them under subordinate commanders, reserving to themselves the command in chief. Formerly, indeed, the sovereigns of Europe were liable to be deposed, like those of Asia, by their soldiers. As our German ancestors elected their own generals, and gave them the command of armies, independent of the sovereign, so likewise did the Franks and Saxons; the former settled in Gaul, the latter in Britain.

These generals, formerly called in France mayors of the palace, and in England

dukes, having the supreme command of the military force, could easily dethrone the monarch ; but now every sovereign is generalissimo over all the forces of his dominion, and has little therefore to fear from his own subjects. Notwithstanding these precautions, their empire is precarious, and from the very nature of their government, must be so. The principle of despotic government is fear ; it has no occasion for virtue, and honor would be extremely dangerous.\* From the jealousy of this government, the subjects are disarmed, and, in consequence, must be unacquainted with military discipline ; they are oppressed, and, in consequence, their spirit must be broken.

Men who fight for their religion, their liberty, their laws, will fight like men ; but it can never be expected that slaves will fight, who have nothing to fight for ; they may be compelled to enlist, they may be driven to the field of battle, but they will not fight. Even veteran soldiers

\* Montesq. l. iii. c. 9.



have suffered themselves to be cut in pieces, rather than obtain laurels for those by whom they thought themselves ill used. How then can it be expected, that men, who have been robbed of their liberties, plundered of their substance, degraded and oppressed, should freely shed their blood to maintain the empire of a despot. Have they an enemy more to be dreaded, than the tyrant who subverts their liberty, and who knows no other law but his own capricious will, his avarice, his lust, or his ambition. Can they be in a more humiliating condition; or does it matter to them, who it is that assumes the government, or to whom they pay tribute. If they are invaded by a Caligula, a Nero, a Caracalla, a Buonaparte, they may dread the most atrocious acts of wanton cruelty, and therefore ought to resist; but if their invader be of a milder disposition than their own sovereign, they must look upon him as a deliverer: if they are uncertain of his disposition, it will be a matter of perfect indifference to them, which of the two

contending parties is victorious. To confirm these propositions, let us consider, with how much ease Egypt has always been subdued.

This kingdom, governed at first by wise and equitable laws, grew in wealth and power; but aiming at foreign conquests, she increased her standing army, and lost her liberty. Sesostris extended the bounds of his vast empire, and raised it to the highest pitch of glory; but after the people had been depressed, dispirited, and disarmed, the country was ravaged by Sennacherib, and conquered first by Nebuchadnezzar, then by Cambyses, after whose death it revolted, and was reduced to a state of more abject subjection by Xerxes, in the beginning of his reign. Assisted powerfully by Athens, the Egyptians cast off the foreign yoke; but were soon compelled by Artaxerxes to submit to it again. After his death, the Persians were driven out; but at the end of six years returned, and established themselves in Egypt for a time. The Persians were again ex-

pelled, and Egypt was governed by her own despotic sovereigns, till the reign of Ochus, one of the last Persian monarchs, who determined to reduce Egypt, and exterminate the royal family. This purpose he accomplished with no great difficulty; for Nectanebis, who was deposed by him, was the last king of the Egyptian race; since whom it has continued under a foreign yoke, according to the prediction of Ezekiel. \* When Alexander with his Macedonian troops entered Egypt, he met with no resistance, the people every where flocked to him as to a deliverer; the gates of Memphis were thrown open, and thus did he possess himself of all Egypt, without shedding blood: so indifferent was it to the Egyptians who should be their sovereign.

At the death of Alexander, his empire being divided, Egypt was the lot of Ptolemy while Seleucus possessed. Between the successors of these princes, there arose a contest, which soon terminated in the

\* Ezekiel xxix. 14. 15.

easy conquest of the greatest part of Egypt; for Antiochus was received with open arms by a wretched people, who knew not where to look for protection; not finding it in him, they sought it from the Romans. The final conquest of this kingdom for the Romans, was made by Octavius Cæsar, by the defeat of Anthony and Cleopatra, at whose death, Egypt was reduced into a province, and continued under the dominion of the Roman and Grecian emperors, till it fell into the hands of Omâr, the second caliph, after Mahomet; since which, it has been subdued by the mamelukes, and lastly, by the Turks.

Egypt, the richest country in the world, has, almost from the earliest records, been inhabited by slaves; and the consequence has been, that no country has been more subject to revolutions; whereas Carthage, blest with a free government, resisted the power of Rome for a century, and was actually engaged in

war five and forty years, before she could be subdued, and then lost her existence with her liberty.

In the establishment of the Babylonish empire, no country resisted the conquerors with so much obstinacy as Tyre: this city endured a siege of thirteen years, during which "every head was made bald, and every shoulder was peeled."\* Rather than submit at last to, lose their liberty, the Tyrians left their city. That this was a free city, we may judge from the government of Carthage, which was a daughter of Tyre. The Persians found little difficulty in overturning the Assyrian empire, because this was only a contest between the sovereigns: when they invaded Greece, they were opposed by innumerable hosts; they were opposed by men who fought for liberty, but after the strongest efforts were obliged to retire, and for ever to give up the thoughts of conquest. What an example here for Britons, should an

\* Ezekiel xxix. 18, 19.

implacable foe put his boasted threats of invasion into execution. With less difficulty, did the Macedonians possess themselves of the Persian empire ; the conquests of Alexander were so rapid, that he hardly seemed to touch the ground.\* It cost Philip more time and trouble to subdue one of the states of Greece, than Alexander took to overturn the vast empire of the Persians ; nor would Philip ever have succeeded by the mere force of arms : he knew a safer and more certain way of subduing a free people, than meeting them in the field of battle.

The experience of the Romans confirms my propositions ; the contest between Rome and Carthage was obstinate and bloody. None but a free city could have survived the battle of Cannæ.—None but a free city could have made such efforts as Carthage made, after delivering up her arms. But what will not the love of freedom do ? After the fall of Carthage, the Romans met with little opposition in their

\* Dan. viii. 5.

progress of universal empire. It cannot escape the observation of any one conversant in history, that the Persian, Macedonian, and Roman empires were founded in wisdom and moderation. Infinite pains had been taken in the education of Cyrus and Alexander, who went forth, and were received rather as deliverers than conquerors. The wisdom, justice, and moderation, of the ancient Romans has been universally admired: but the best dispositions in the world are corrupted by the acquisition of power. It would be very easy to account for this: the fact itself is confirmed by the very history now before us.—We have two different characters of Cyrus: that of Xenophon perhaps belonged to him while he was surrounded with powerful enemies, and struggling with difficulties, *nam crescit sub pondere virtus*: the character which Herodotus gives of him was perhaps more suitable to Cyrus in the full career of victory, or when he had triumphed over all opposition; when he had many to manage, though none immediately

to fear; when every knee was bent before him: when, satiated with triumphs, he had made the fatal discovery, that “he had been pursuing a vain shadow, and disquieting himself in vain;” when, debauched by flatterers, he could not endure the truth; or when, accustomed to victory, he was become impatient of contradiction or delays. Certain it is, that two characters belong to Alexander also; and equally certain that the triumphant Romans forgot the wisdom, justice, temperance, and moderation, which had been the foundation of their empire. In the latter period of the Roman history, in vain shall we look for that people, who, by a herald at the Isthmian games, proclaimed liberty to all the states of Greece. But perhaps even at this period the Romans were corrupted, and meant only to detach these states from Philip, that Macedonia might afford them a more easy conquest; if so, it answered well. Certain it is, those nations made the least opposition to the Romans, who groaned under the heaviest yoke, and therefore felt it



either a matter of indifference to what conqueror they submitted, or looked upon the Roman people as deliverers; and such at first they were. In order to establish and confirm their empire, the Roman sovereigns found it necessary to disarm their subjects, and to keep up in each province a large military force, under the immediate command of governors; who by that means, were enabled to plunder the miserable inhabitants. The great body of the people, dispirited and disarmed, were little able to bear the shock of barbarous but free nations, who, in the beginning of the fifth century, broke with irresistible impetuosity into the Roman empire. The Roman legions were no longer composed of citizens and freemen, actuated by a love of their country; they were filled up from the conquered provinces, with men whose spirit had been broken by long continued oppression; or from the unconquered nations, whose martial spirit being in full vigour, soon learnt to despise a disarmed, dispirited, and enslaved people. The Roman empe-

rors had no longer the same troops; who under consuls had subdued the Gauls, the Cimbri, the Teutones: nor had they any similar force to oppose the violent irruption of the Goths, Huns, and Vandals, to whom they had taught the art of war. These fierce nations finding nothing able to withstand them, were at first contented with plundering the frontiers of the Roman empire; but when nothing was left to plunder in the adjacent parts, ravaged by frequent incursions, they extended their inroads into the southern provinces, where invited by the fertility of the soil, and mildness of the climate, they formed many settlements, and erected new kingdoms. Long before the end of the fifth century, the whole western empire was overturned. Doctor Robinson very well observes, in accounting for the instability of the Roman empire, “The jealousy of despotism had deprived the people of the use of arms; and subjects oppressed, and rendered incapable of defending themselves, had neither spirit nor inclination to resist the invaders;

from whom they had little to fear, because their condition could hardly be rendered more unhappy.”\*

From the same causes, the eastern empire was unable to withstand the repeated shocks it received from the Huns on one side, the Persians on the other, succeeded by the powerful invasion of the Saracens, few in number, but of undaunted courage. These people coming out of the deserts of Arabia, inured to hardship, fired with zeal for their new religion, encouraged by every victory obtained over the slaves of the Grecian emperor to rush forward in search of fresh triumphs, flushed with success wherever they turned their arms, never rested till the whole of the eastern empire was subdued. Their conquests were rapid, and obtained at a small expence of blood, because they had no free nation to encounter. They left men in a better condition than they were in before, reducing to slavery only those who opposed their arms, but protecting in the peaceable possession

\* Robinson's Charles V. vol. i. p. 2

of their religion and property all who submitted, and paid the established tribute. Their strict adherence to truth, and their impartial administration of justice, in the infancy of their empire, contributed greatly to its establishment. In the infancy of all these empires, individuals could have but little temptation to injustice, for the conquerors were all remarkable for their temperance. A few crosses and a bit of bread served to appease the hunger of Cyrus and his Persians. The temperance and moderation of Alexander were no where more conspicuous than in the tent of Darius. The Roman generals cultivated with their own hands their little farms, even so low down as the fifth century of the empire; and their dictators were taken from the plough. The Arabians were satisfied with barley bread and milk. Had the Hungarians been a free people, Solymán would not have been able, in the sixteenth century, to cut to pieces with the greatest ease, the king and flower of the Hungarian nobility, with twenty thousand men; nor

could he have carried away two hundred thousand miserable inhabitants into captivity. But what resistance could undisciplined slaves, without arms, be expected to make against well disciplined and victorious troops.

We have seen that men who fight for their religion, their liberty, and their laws, fight like men ; but that men will have neither ability nor inclination to fight, who have nothing to defend : hence arises the security of a free state from external violence, and from hence arises the instability of a despotic empire. All the empires on the continent are ; fluctuating they have no stability, they can have none. Every war has produced conquests, ended in concessions, and laid the foundation for future wars. We have seen in our own days the bounds of the Prussian empire greatly extended ; we have seen Silesia torn from the house of Austria, and added to the dominions of Prussia. We may live to see it reconquered by the emperor of Germany, or making part of the Russian empire. This

rich country, two hundred miles in length, and seventy broad, is either supposed to have no inhabitants, or the inhabitants are supposed to have no property ; for they are not suffered to settle their own government, nor to choose their own protectors, but must abide the fate of war between their contending neighbours. It is perhaps a matter of indifference to them to whom they pay tribute, whether to the emperors of Russia, Germany, the king of Prussia, or any other potentate ; but their misfortune is, that having no choice of their own, enjoying no liberty, their government must be on that very account precarious, and their country must be the seat of war, whensoever their neighbours please to make it so. The same may be said of the duchy of Lorraine, or of Livonia, that fertile province, which having received the yoke of despotism from the hands of Charles II. was soon torn from Sweden, and is at present the most valuable province in the Russian empire. On the continent that despotic government which maintained the

fewest troops was liable to be attacked by its powerful neighbours ; that empire which maintains the greatest standing army, being most oppressed, will have the least inclination to defend itself. The Prussian empire therefore, which supports a military force disproportionable to the extent of the dominion, must internally be weak, and will inevitably fall a sacrifice to the ambition of its neighbours, whenever it fails to be supported by such vast abilities as those of the great Frederic.

Our island, it must be confessed, has many peculiar advantages : bounded by the ocean, and bounded more securely by the peculiarity of our religion, it might be thought, that should despotism be ever introduced, yet our empire might be permanent. Difference of religion is certainly a strong barrier, where men have arms, and the use of arms ; but no bounds will secure an empire, when it is become internally weak : witness the Grecian empire, overturned by the Mahometans : witness this island, after the departure of the Ro-

mans ; and witness all the great empires of the world, overturned with ease by succeeding conquerors. If ever, therefore, this country should lose its liberties, dispirited and disarmed, it must accept the religion of the conqueror, and become for a time either the seat of empire, or more likely return once more to its provincial state, subject to a foreign power ; or become a prey to every fierce and cruel invader, as of old, whether under the name of Picts, Danes, Normans, or any other name unknown among the nations and empires now existing ; for instability is a strong feature in the character of all despotic governments.

The conclusion I would draw from all these premises is this, “That to live by one man’s will is the cause of all men’s misery.” Can we then be surprised that Almighty God, who wills the happiness of all men, should testify his abhorrence of this form of government ? The Israelites are not blamed for choosing captains to go before them to battle, or judges to deter-



mine the controversies which might arise among them ; but for wishing to have such a king as governed the nations round them ; a despotic one ; for to such alone can the prophet's description be applied :—" And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee ; for they have not rejected thee, but they have rejected me, that I should not reign over them. According to all the works which they have done, since the day that I brought them out of Egypt even unto this day, wherewith they have forsaken me, and served other gods ; so do they also unto thee. Now therefore, hearken unto their voice : howbeit, yet protest solemnly unto them the manner of the king that shall reign over them. And Samuel told all the words of the Lord unto the people that asked of him a king. ' This will be the manner of the king that shall reign over you ; he will take your sons and appoint them for himself, for his chariots, and to be his horsemen ; and some shall run before his chariots.

And he will appoint him captains over thousands, and captains over fifties ; and will set them to ear his ground, and to reap his harvests, and to make his instruments of war, and instruments of his chariots. And he will take your daughters to be confectionaries, and to be cooks, and to be bakers. And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants. And he will take the tenth of your seed, and of your vineyards, and give to his officers and to his servants. And he will take your men servants, and your goodliest young men, and your asses, and put them to his work. He will take the tenth of your sheep, and ye shall be his servants. And ye shall cry out in that day, because of your king which ye shall have chosen you ; and the Lord will not hear you in that day. Nevertheless the people would not obey the voice of Samuel : and they said, Nay, but there shall be a king over us ; that we may be like all the na-

tions ; and that our king may *judge us,*  
and go *out before us* and *fight our battles.*"

The government of the Jews had been hitherto a theocracy. Their laws were promulged by God himself, and the judges who put these laws in execution received those laws immediately from him. He raised up, from time to time, captains to go out before the people, and to fight their battles ; nay, he himself often appeared on their behalf as the Lord of Hosts, and put their enemies to flight. The laws by which they were governed, excelled all the laws of all other nations, in wisdom and equity ; \* yet so foolish and infatuated was the nation of the Jews, in the days of Samuel, as to reject the providential government of God, and to seek the protection of such a sovereign as governed the nations of the east ; to reject a government administered by wise and equitable laws, and to submit willingly to brutal force. They were not blinded by the splendor

\* Deut. iv. 8.

of neighbouring courts, and thereby led to wish for a display of such pomp and magnificence themselves; but they foolishly imagined, that if, like the nations round them, they should have a regular succession of kings, supported by a standing army, they should no more be liable to be taken by surprize, or sold into the hand of the enemy for their transgressions, as they had often been before. They judged right in this respect; but then they did not properly consider, that the most formidable of all enemies, is the sovereign armed with despotic power. Of this the prophet endeavoured to make them sensible. He informed them, that if they would have such a king as governed the nations around them, he would have an unlimited revenue to support the dignity of his throne; that so far from protecting them in the peaceable enjoyment of their property, he would take it from them by violence, to enrich his favorite servants; and that, to defend himself from their just resentments, he would be surrounded by

his numerous guards, keeping on foot a standing army, as the ministers of his vengeance, and the guardians of his lawless power, nay, that he would even compel their sons to serve in his armies against their wills, and to assist him in binding fetters on their fellow-citizens, their friends, and their relations; in one word, that they should be his slaves. Notwithstanding this description, they persisted obstinately in their demand, until they had provoked their God in anger to comply with their request. Above three hundred years after this event, God reminds them of their sin and folly; at the same time comforting them with the gracious promises of favor and protection; promises, by the bye, which refer to the spiritual kingdom and peaceful reign of the Messiah. "Oh Israel! thou hast destroyed thyself; but in me is thy help; I will be thy king; where is any other that may save thee in all thy cities? And thy judges, of whom thou saidst, give me a king and princes? I gave thee a king in mine anger, and took him away in my

wrath.”—If the scattered tribes of Israel have reason to rejoice in the prospect of their Messiah’s reign ; with no less reason may the slaves of Asia and Europe triumph in the joyful expectation of a future period, when “ the mountain of the Lord’s house shall be established in the top of the mountains, and shall be exalted above the hills ; and all the nations shall flow unto it.—When many people shall go and say, Come ye, and let us go up to the mountain of the Lord, to the house of the God of Jacob ; and he will teach us of his ways, and we will walk in his paths : for out of Zion shall go forth the law, and the word of the Lord from Jerusalem ; and *he shall judge among the nations, and shall rebuke many people ; and they shall beat their swords into ploughshares, and their spears into pruning-hooks : nation shall not lift up sword against nation, neither shall they learn war any more.*” \*—Asia has long since borne the yoke, and Europe

\* Isaiah, ii.

is bowing down to receive it: most of her free-born sons have already lost their liberty, and despotism supports her empire with a military force. Europe swarms with soldiers; their numbers are increasing and will increase, until, like caterpillars and locusts, they have eat up all the good of the land.

It is indeed, to adopt the poetic description of the prophet, “a day of darkness and of gloominess, a day of clouds, and of thick darkness, as the morning spread upon the mountains; the sun and the moon are darkened by them, and the stars withdraw their shining.” Yet through this darkness we may discover a gleam of hope; a ray of light darts from the throne of God, to cheer the disconsolate inhabitants of the earth, who are lamenting their lost liberties, and groaning under the yoke of their oppressors; for “there shall come forth a rod out of the stem of Jesse, and a branch shall grow out of his roots: and the spirit of the Lord shall rest upon him, the spirit of wisdom and understanding,

the spirit of counsel and might, the spirit of knowledge, and of the fear of the Lord ; and shall make him of quick understanding in the fear of the Lord : and he shall not judge after the sight of his eyes, neither reprove after the hearing of his ears : but with righteousness shall he judge the poor, and reprove with equity for the meek of the earth : and he shall smite the earth with the rod of his mouth, and with the breath of his lips shall he slay the wicked. And righteousness shall be the girdle of his loins, and faithfulness the girdle of his reins. The wolf also shall dwell with the lamb, and the leopard shall lie down with the kid ; and the calf and the young lion and the fatling together ; and a little child shall lead them. And the cow and the bear shall feed ; their young ones shall lie down together : and the lion shall eat straw like the ox. And the sucking child shall play on the hole of the asp, and the weaned child shall put his hand on the cockatrice's den. They shall not hurt nor destroy in all my holy mountain : for the



earth shall be full of the knowledge of the Lord, as the waters cover the sea. \*

Then shall the poetic fiction of the golden age be realized; the christian religion shall not only be universally received, but shall have an universal influence; the beast's † despotic power, shall be destroyed; and thus shall the kingdoms of this world become the kingdoms of our God, and of his Christ. ‡

Isaiah xi. 1—9.

† Dan. vii. 3—24.      ‡ Revel. xi. 15.





